



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

September 7, 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7003 0500 0003 0872 5477

JeanMarie Cencetti
Director of Environment and Sustainable Development
Arkema Inc.
900 First Ave
King of Prussia, PA 19406

Dear Ms. Cencetti:

Enclosed is an Information Request (Request) issued to Arkema Inc. This request is being made pursuant to the authority set forth in Section 114(a) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a). Pursuant to this authority, the United States Environmental Protection Agency (EPA), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

The purpose of this Request is to obtain information regarding the Arkema facility in Crosby, Texas in order to determine compliance with the CAA, including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68.

Please provide the information requested within ten (10) calendar days of your receipt of this letter to the person identified in Enclosure A. If you have any technical questions, please direct them to Marie Stucky at (214) 665-7560. If you have any other questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact James Murdock of the Office of Regional Counsel at (214) 665-7302. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl T. Seager", is written over a long, thin horizontal line that extends across the page.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Ramiro Garcia Jr., TCEQ

ENCLOSURE A

ARKEMA CROSBY INFORMATION REQUEST

The Environmental Protection Agency (EPA) is issuing this request for information to Arkema Inc. regarding its Crosby, Texas facility pursuant to Section 114(a) of the Clean Air Act (CAA) 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA, including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Compliance Assurance and Enforcement Division, EPA Region 6. Therefore, Arkema, Inc. is required to provide a response to this Request regarding the Arkema Inc. facility in Crosby, Texas (the Facility).

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Arkema Inc. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Arkema Inc. to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to this request was previously provided to EPA subsequent to a recent EPA Air Compliance Inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided. If the Texas Commission on Environmental Quality has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this request should be sent to the following:

Samuel Tate, Chief
Chemical Accident Enforcement Section (6EN-AS)
Air Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Please be advised that some companies may qualify as a “small business” under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Arkema Inc. qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at: <http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF>. Please be aware that SBREFA does not eliminate Arkema Inc.’s responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact Samuel Tate, listed above.

Notice is hereby given, pursuant to 40 CFR §§ 2.301(h) and 2.310(h), that EPA may disclose confidential information provided by Arkema to EPA’s authorized representatives, including its contractors, Eastern Research Group (“ERG”). Confidential information may be disclosed to EPA’s authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 CFR §§ 2.301(h) and 2.310(h), Arkema may submit, along with its response to this Information Request, any comments regarding EPA’s disclosure of confidential information to its authorized representatives.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
2. Please identify each person answering and each person consulted in preparing to answer each Question and subpart of each Question.
3. For every Question contained herein, please identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.
4. Please provide a separate response to each question or subquestion in this Request, and precede each answer with the number of the question to which it responds.
5. Please submit all information for each question in a logically sequenced, electronic format (e.g., PDF). Data should be provided in searchable and editable electronic format (e.g., spreadsheet). This information may be provided on a USB drive or CD, and labelled sequentially, if applicable.
6. If Arkema Inc. has previously submitted the requested information to EPA, it may identify the document instead of resubmitting the document
7. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.
8. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, USB drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.
2. The term “Arkema” includes any officer, director, agent, or employee of Arkema, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof, and any related partnerships or limited partnerships.
3. The term “you” or “yours” refers to Arkema.
4. The term “facility” refers to the Arkema facility located at 18000 Crosby Eastgate Road, Crosby, Texas.
5. The term “event” refers to planning and response activities for the severe weather and flooding, and the subsequent incident at the facility from the start of weather preparations through the completion of response activities.
6. The terms “identify” or “identification” means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Request.
7. All terms used in the Request will have their ordinary meaning unless such terms are defined in the Clean Air Act, 42 U.S.C. § 7401 *et seq.* or the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, in which case such statutory or regulatory definitions apply.
8. The term “organic peroxides” will have its ordinary meaning and will include, but not necessarily be limited to, the temperature-sensitive material moved by Arkema in response to flooding at the facility.

9. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.
10. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
11. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

III. QUESTIONS

1. Please provide a detailed description and timeline of the event. Include the best known start time and duration of the incident. The timeline should address in detail the following events as well as any other relevant points:
 - a. Primary power failure.
 - b. Use of backup power supply and subsequent failure.
 - c. Use of liquid nitrogen and related equipment and subsequent failure.
 - d. Removal of organic peroxides material to each of the nine refrigerated trailers, and which specific organic peroxides materials were placed in each trailer.
 - e. Relocation of each of the nine refrigerated trailers.
 - f. Temperature readings on each of the nine trailers.
 - g. Failure of primary and backup refrigeration systems in trailers.
 - h. Initial ignition and combustion of materials in each of the nine trailers.
 - i. Controlled burn of each trailers.
 - j. Other emergency response activities.
2. Please provide any documents associated with the identification of hazards posed by organic peroxides at your facility, operating procedures related to organic peroxides, and procedures related to flood, hurricane, loss of power, and emergency operations, and shutdown.

3. What are the names and Chemical Abstract Service (CAS) Numbers of the organic peroxides moved to the refrigerated trailers?
 - a. How and where are organic peroxides normally stored at the facility?
 - b. How much organic peroxides are stored at the facility at any one time?
 - c. What layers of protection or other release prevention measures are in place for the storage of organic peroxides on site?
 - d. Under what conditions are organic peroxides moved to refrigerated trailers? Prior to the incident, when and for how long did you store materials, including organic peroxides, in refrigerated trailers?
 - e. Are organic peroxides ever moved off site for safe storage? If so, where are they moved, and what conditions trigger such movement?
4. What backup power and safety systems were in place prior to the flooding?
 - a. What “Recognized And Generally Accepted Good Engineering Practices” are followed by Arkema for the design, installation, operation, maintenance, and reliability of the backup power and safety system?
 - b. What were the engineering and administrative controls for the safety and power systems, and what were their known consequences of failure, and what additional safety measures were in place in event of such failure?
5. What measures did Arkema take in response to the flooding to minimize consequences of an accidental release or fire/explosion involving either RMP-regulated substances or other hazardous chemicals held at the site, including organic peroxides?

Enclosure B

Clean Air Act Section 114 Information Request
Statement of Certification

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for submitting false statements and information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Printed Name: _____

Office or Title: _____

Date: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

FEB 06 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7015 1520 0003 3989 9006

Mr. Paul Mikesell
Chief Operating Officer
Cornerstone Chemical Company
10800 River Road
Waggaman, LA 70094

RE: Clean Air Act Section 114 Information Request
Cornerstone Chemical Company – Fortier Facility

Dear Mr. Mikesell:

Enclosed is an Information Request Letter (“Request”) issued to Cornerstone Chemical Company, 10800 River Road, Waggaman, LA. This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act (“CAA”). Pursuant to this authority, the United States Environmental Protection Agency (“EPA”), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

Improperly operated flares have the potential to affect public health by increasing emissions of toxic air pollutants and volatile organic compounds, which may pose a health risk. Due to widespread noncompliance with regulations governing flare operations industry-wide, and information specific to your facility, EPA is issuing this Request.

Please provide the information requested within forty-five (45) days of receipt of this letter. If you have any technical questions, please direct them to Sarah Frey at (214) 665-6499. If you have any legal questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Justin Lannen of the Office of Regional Counsel at (214) 665-8130. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl T. Seager", is written over a horizontal line.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures:

- A. Information Request
- B. Statement of Certification

cc: Michelle McCarthy, Manager
Air Enforcement Section, Enforcement Division
Louisiana Department of Environmental Quality
michelle.mccarthy@la.gov

ENCLOSURE A

INFORMATION REQUEST

The U.S. Environmental Protection Agency ("EPA") Region 6 is issuing this request for information to Cornerstone Chemical Company ("Cornerstone") pursuant to Section 114(a) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, Cornerstone is required to provide a response to this Request regarding Cornerstone's Fortier Facility located in Waggaman, Louisiana (the "Facility").

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Cornerstone. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). *See also* 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Cornerstone to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to one of the requests below was previously provided to EPA in response to a recent EPA Air Compliance Inspection or prior Section 114 Information Request, EPA does not require that such information be submitted again. In lieu of resubmitting such information, for each such request below, please indicate the date that such information was provided to EPA and to whom it was provided, and identify specifically where in the response the information can be found (response number, dates stamp number). However, to the extent that this Section 114 Information Request

requires submission of information that post-dates the information provided in response to the prior Section 114 Information Request, EPA requires that additional information be provided or updated. If the Louisiana Department of Environmental Quality (LDEQ) has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this request should be sent to the following:

Sarah Frey
Air Toxics Enforcement Section 6EN-AT
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Cornerstone qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at:

<http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF>.

Please be aware that SBREFA does not eliminate Cornerstone's responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact Sarah Frey, listed above.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, please notify EPA of this fact as soon as possible and provide EPA with a corrected response.

2. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
3. Please provide a separate response to each question and subpart of a question set forth in this Request and precede each answer with the number of the question to which it corresponds.
4. If available, please provide copies of documents in searchable electronic format (*e.g.*, pdf) rather than hard copies. If hard copies of documents are provided, please submit all information for each question in a logically sequenced, bound format.
5. Data should be provided in searchable and editable electronic format (*e.g.*, spreadsheet).
6. When a response is provided in the form of a number, please specify the units of measure.
7. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.
8. Please indicate the assigned facility-wide federal air program (*e.g.*, AFS) and state (*e.g.*, Agency Interest, Regulated Entity) identification numbers for the subject facility.
9. For each media device (*e.g.*, compact disc, flash drive) containing electronic documents, please provide a table of contents so that each document can be accurately identified in relation to your response to a specific question. In addition, each media device should be labeled (*e.g.*, company name, Disc 1 of 4 for information request response, date of response).
10. Please identify documents consulted, examined, or referred to in the preparation of the response or that contain information responsive to a specific question, and provide a true and correct copy of each such document if not already provided in response to another specific question. Please indicate the number of the question to which the document corresponds.

11. If the Facility has no responsive information or documents for a particular question, please submit a statement certifying this, along with a detailed explanation. If a document is responsive to more than one question, please indicate, and only one copy of the document need be provided.
12. The enclosed Statement of Certifications (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to the Request.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

The term Cornerstone Chemical Company ("Cornerstone") includes any officer, director, agent, or employee of Cornerstone, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.

The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

The terms "you" or "yours", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants, and all other persons acting on its behalf.

All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 *et seq.*, the implementing regulations, or 40 C.F.R. Part 68.

Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

The term "flare" means a combustion device lacking an enclosed combustion chamber that uses an uncontrolled volume of ambient air to burn gases. A flare may be partially enclosed (such as an enclosed flare) or equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a system to limit the volume of combustion air.

The term “vent gas” means all gas found just prior to the flare tip. Vent gas includes all waste gas, purge gas, sweep gas, and supplemental gases such as natural gas and hydrogen, but does not include pilot gas, assist steam, or assist air.

The term “waste gas” means the mixture of all gases from facility operations that is directed to a flare for the purpose of disposing of the gas. Waste gas does not include gas introduced to a flare exclusively to make it operate safely and as intended; therefore, waste gas does not include pilot gas, total assist steam, assist air, or the minimum amount of sweep gas and purge gas that is necessary to perform the functions of sweep gas and purge gas. Waste gas also does not include gas introduced to a flare to comply with regulatory requirements; therefore, it does not include supplemental gas.

The term “purge gas” means gas introduced between a flare header’s water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip. For a flare with no water seal, the function of flare purge gas is performed by flare sweep gas and, therefore, by definition, such a flare has no flare purge gas.

The term “sweep gas” means, for a flare with a flare gas recovery system, the minimum amount of gas necessary to maintain a constant flow of gas through the flare header in order to prevent oxygen buildup in the flare header; flare sweep gas in these flares is introduced prior to and recovered by the flare gas recovery system. For a flare without a flare gas recovery system, flare sweep gas means the minimum amount of gas necessary to maintain a constant flow of gas through the flare header and out the flare tip in order to prevent oxygen buildup in the flare header and to prevent oxygen infiltration (backflow) into the flare tip.

The term “supplemental gas” means all gas introduced to the flare in order to improve the combustible characteristics of combustion zone gas.

The term “assist steam” means all steam that is intentionally introduced prior to or at a flare tip through nozzles or other hardware conveyance for the purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist steam includes, but is not limited to, center steam, lower steam, and upper steam.

The term “assist air” means all air that intentionally is introduced prior to or at a flare tip through nozzles or other hardware conveyance for purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist air does not include the surrounding ambient air.

The term “pressure relief device” means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.

III. QUESTIONS

Within 45 days, Cornerstone shall submit the following information about its chemical facility located in Waggaman, Louisiana.

1. Please provide the following information for each of the following flares, (collectively, the "Facility Flares") at the Facility:

AN Flare Stack (GY-304, 3-71); AN Tank Farm Flare (51-92); Melamine Flare (FS-1, 1-72); Melamine Central Flare (VH-3, 1-75); Flare Stack - NH3 Storage Tank 25KII (1-71); ST-1 Flare (VS-4, 14-92):

- a. Date of installation;
 - b. Manufacturer and model number;
 - c. Purpose (*e.g.*, emergency only, routine, intermittent process waste gas);
 - d. General design type (*e.g.*, ground or elevated, multi-tip or single tip, assisted or non-assisted; if assisted, indicate whether flare is steam, air, or pressure assisted);
 - e. Minimum assist steam (in lb/hr) or assist air (in scf/hr) rate at all locations on each flare, and means of control of steam or air (*e.g.*, valve, bypass orifice); and
 - f. Please describe how the amount of waste gas, purge gas, sweep gas, supplemental gas, assist steam, and assist air is measured or monitored.
2. For periods when waste gas is sent to the Facility Flares, please provide the following information for each flare in searchable and editable electronic format (*e.g.*, spreadsheet):
 - a. The hourly average net heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - b. The hourly average concentration of each constituent of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - c. The hourly average mass flow rate, in lb./hr., of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - d. The hourly average rate at which assist steam and/or assist air was added to the flare, in lb./hr. for steam, or scf/hr for air, at all locations on each

flare (i.e. the sum of seal, upper, lower, winterizing, etc.) for the period beginning 3 years prior to the date of receipt of this request.

If the hourly averages for any or all of the subsections above are measured, but data is not available, provide an explanation for each time period missing hourly data (e.g., flare not in service, instrumentation malfunction, etc.).

If the requested data is not measured or otherwise monitored, use the best means available to calculate/estimate the hourly averages. Provide a narrative explanation and example calculations describing how you arrived at your response. Such methods of calculation/estimation include, but are not limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the flare or upstream of the flare), estimating flow from pressure measurements or from valve position data, periodic samples/analysis of gas flowing to the flare, and/or process knowledge.

If the requested data was not measured or cannot be calculated or estimated (e.g., lack of equipment, equipment malfunction, and/or maintenance at a flare), provide an explanation of why no data is available and why the data cannot be calculated or estimated.

3. For each Facility Flare, provide the hourly average Steam-to-Vent Gas Ratio (lb Steam/lb Vent Gas) for the period beginning 3 years prior to the date of receipt of this request. If the rate at which steam added is not measured, use the best means available to estimate it. Provide a narrative explanation, including considerations for seasonal variations and minimum flow, with example calculations describing how you arrived at your response. All steam (including minimum or bypass steam) should be included in ratio calculation.
4. For each Facility Flare, describe how the pilot flame is monitored and how the monitoring data is recorded. Provide the monitoring data for the flare pilot flame for the period beginning 3 years prior to the date of receipt of this request.
5. For each Facility Flare, provide copies of documents in your possession, custody, or control pertaining to operating procedures, monitoring procedures, and flare performance testing.
6. For each Facility Flare, provide copies of current permits issued under federal or state regulations where the flare is listed or flare operation is authorized.
7. For each Facility Flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent pressures from exceeding the maximum allowable working pressure of the process equipment.

**CONFIDENTIAL BUSINESS INFORMATION (CBI)
CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS**

Assertion - You may assert a business confidentiality claim covering all or part of the information requested in response to this Request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (CAA) and 40 C.F.R. Part 2.

EPA will construe the failure to furnish a CBI claim with your response to this Request as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA. Any emissions data you provide may be made available to the public. Information subject to a confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation - All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and you intend to continue to do so; the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business’s competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter (separate from this Request) asking you to substantiate your CBI claim. If you receive such a letter, you must provide EPA with a response within the time frame set forth in the letter. Failure to submit a response within that time would be regarded as a waiver of your claim, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider CBI. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a CBI claim may be disclosed without further notice to you. If you receive such a letter, for each item or class of information that you identify as being subject, you must answer the questions below, giving as much detail as possible, in accordance with 40 C.F.R. § 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, (e.g., until a certain date, until the occurrence of a specified event, or permanently)? If the occurrence of an event will eliminate the need for confidentiality, please specify the event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by agreement not to disclose it? If so, why should the information be considered CBI?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note emission data is not entitled to confidential treatment under 40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C). "Emission data" means, with reference to any source of emission of any substance into the air: (A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by source), or any combination of the foregoing; (B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an

applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of source operation); and (C) A general description of location and nature of source to extent necessary to identify and distinguish from other sources (including, as necessary for such purposes, a description of the device, installation, or operation constituting the source).

If you receive a substantiation request letter from EPA, you bear the burden of substantiating your CBI claim. Conclusory allegations will be given little or no weight in the determination. If you fail to make a CBI claim with the response to this Request, the information may be released without further notice to you. Failure to give a timely response to a separate substantiation request letter is regarded as a waiver of any CBI claim, and EPA may release the information.

ENCLOSURE B

STATEMENT OF CERTIFICATION

Cornerstone Chemical Company, Waggaman, LA

*I certify that I am authorized to respond to this information request on behalf of
Cornerstone Chemical Company and I certify under penalty of perjury that the foregoing
is true and correct. Executed on _____, 2018.*

(Signature)

(Name)

(Title)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

MAR 29 2018

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 3861

Mr. Jesse Chauvin
Plant Manager
Enterprise Products Operating
2220 N River Road
Port Allen, LA 70767

RE: Clean Air Act Section 114 Information Request
Enterprise Products Operating, LLC

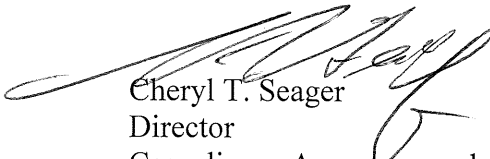
Dear Mr. Chauvin:

Enclosed is an Information Request Letter ("Request") issued to Enterprise Products Operating. This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act ("CAA"). Pursuant to this authority, the United States Environmental Protection Agency ("EPA"), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

The purpose of this Request is to obtain information regarding Enterprise Products Operating's Baton Rouge Fractionator and Propylene Concentrator Unit in Port Allen, Louisiana to determine compliance with the CAA.

Please provide the information requested within thirty (30) days of receipt of this letter. If you have any technical questions, please direct them to James Haynes at (214) 665-8546. If you have any legal questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Carlos Evans of the Office of Regional Counsel at (214) 665-8184. Thank you for your attention to this matter.

Sincerely,


Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

ec: LDEQ
Daniel Smith (dawsmith@eprod.com)

ENCLOSURE A**INFORMATION REQUEST**

The U.S. Environmental Protection Agency ("EPA") Region 6 is issuing this request for information to Enterprise Products Operating pursuant to Section 114(a) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, Enterprise Products Operating is required to provide a response to this Request regarding Enterprise Products Operating's Baton Rouge Fractionator and Propylene Concentrator Unit located in Port Allen, Louisiana (the "Facility").

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Enterprise Products Operating. A Statement of Certification for making such representations is provided as **Enclosure B**. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Enterprise Products Operating to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this Request in an administrative, civil, or criminal action.

If the Louisiana Department of Environmental Quality has taken enforcement action in response to information responsive to this Request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this Request should be sent to the following:

James Haynes
Air Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Please be advised that some companies may qualify as a “small business” under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Enterprise Products Operating qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at: <http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF>. Please be aware that SBREFA does not eliminate Enterprise Products Operating’s responsibility to respond in a timely fashion to any complaint or information Request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact James Haynes at (214) 665-8546.

This Request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

If information responsive to this Request was previously provided to EPA subsequent to a recent EPA CAA Inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided. If previously submitted information does not fully and completely respond to a question, Enterprise Products Operating is obligated to provide additional information to fully and completely respond to that question. If Enterprise Products Operating has any questions regarding the responsiveness of previously submitted information, please contact Carlos Evans at (214) 665-8184.

I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, please notify EPA of this fact as soon as possible and provide EPA with a corrected response.

2. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
3. Please provide a separate response to each question and subpart of a question set forth in this Request and precede each answer with the number of the question to which it corresponds.
4. If available, please provide copies of documents in searchable electronic format (*e.g.*, pdf) rather than hard copies. If hard copies of documents are provided, please submit all information for each question in a logically sequenced, bound format.
5. Data should be provided in searchable and editable electronic format (*e.g.*, spreadsheet).
6. When a response is provided in the form of a number, please specify the units of measure.
7. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.
8. Please indicate the assigned facility-wide federal air program (*e.g.*, AFS) and state (*e.g.*, Agency Interest) identification numbers for the subject facility.
9. For each media device (*e.g.*, compact disc, flash drive) containing electronic documents, please provide a table of contents so that each document can be accurately identified in relation to your response to a specific question. In addition, each media device should be labeled (*e.g.*, company name, Disc 1 of 4 for information Request response, date of response).
10. Please identify documents consulted, examined, or referred to in the preparation of the response or that contains information responsive to a specific question, and provide a true and correct copy of each such document if not already provided in response to another specific question. Please indicate the number of the question to which the document corresponds.
11. If the Facility has no responsive information or documents for a particular question, please submit a statement certifying this, along with a detailed

explanation. If a document is responsive to more than one question, please indicate, and only one copy of the document need be provided.

12. The enclosed Statement of Certifications (**Enclosure B**) must be filled out and signed by a responsible corporate official and submitted along with your responses to the Request.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in **Enclosure A**:

1. The term "Enterprise Products Operating" includes any officer, director, agent, or employee of Enterprise Products Operating, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.
3. The terms "you" or "yours", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants, and all other persons acting on its behalf.
4. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including documentation solely in electronic form, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, email, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, USB drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of

a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

5. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 *et seq.*, the implementing regulations, or 40 C.F.R. Part 68.
6. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
7. The term “flare” means a combustion device lacking an enclosed combustion chamber that uses an uncontrolled volume of ambient air to burn gases. A flare may be partially enclosed (such as an enclosed flare) or equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a system to limit the volume of combustion air.
8. The term “vent gas” means all gas found just prior to the flare tip. Vent gas includes all waste gas, purge gas, sweep gas, and supplemental gases such as natural gas and hydrogen, but does not include pilot gas, assist steam, or assist air.
9. The term “waste gas” means the mixture of all gases from facility operations that is directed to a flare for the purpose of disposing of the gas. Waste gas does not include gas introduced to a flare exclusively to make it operate safely and as intended; therefore, waste gas does not include pilot gas, total assist steam, assist air, or the minimum amount of sweep gas and purge gas that is necessary to perform the functions of sweep gas and purge gas. Waste gas also does not include gas introduced to a flare to comply with regulatory requirements; therefore, it does not include supplemental gas.
10. The term “purge gas” means gas introduced between a flare header’s water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip. For a flare with no water seal, the function of flare purge gas is performed by flare sweep gas and, therefore, by definition, such a flare has no flare purge gas.
11. The term “sweep gas” means, for a flare with a flare gas recovery system, the minimum amount of gas necessary to maintain a constant flow of gas through the flare header in order to prevent oxygen buildup in the flare header; flare sweep gas in these flares is introduced prior to and recovered by the flare gas recovery system. For a flare without a flare gas recovery system, flare sweep gas means the minimum amount of gas necessary to maintain a constant flow of gas through the flare header and out the flare tip in order to prevent oxygen buildup in the flare header and to prevent oxygen infiltration (backflow) into the flare tip.

12. The term “supplemental gas” means all gas introduced to the flare in order to improve the combustible characteristics of combustion zone gas.
13. The term “assist steam” means all steam that is intentionally introduced prior to or at a flare tip through nozzles or other hardware conveyance for the purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist steam includes, but is not limited to, center steam, lower steam, and upper steam.
14. The term “assist air” means all air that intentionally is introduced prior to or at a flare tip through nozzles or other hardware conveyance for purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist air does not include the surrounding ambient air.
15. The term “pressure relief device” means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.

III. QUESTIONS

Within 30 days, Enterprise Products Operating shall submit the following information about its Baton Rouge Fractionator and Propylene Concentrator Unit facility located in Port Allen, Louisiana.

Flaring:

1. Provide a listing of all sources of waste streams that feed into the flare system and copies of current diagrams and/or documents that identify where and how the process unit streams are routed to the Emission Point Number M-01 (the “Plant Flare”). Please note if a stream is continuously vented to the Plant Flare. Include the composition of the vent gas.
2. Explain the purpose for the sampling of the vent gas in the flare header and if any data it generates is used for compliance with any environmental standard, testing, recordkeeping, or reporting requirement. Provide a list of constituents monitored in the sample, and provide a corresponding net heating value for each vent gas constituent monitored.
3. Please provide the following information not included in your November 15, 2017 submission for the Plant Flare at the Facility:
 - a. Minimum assist air (in scf/hr) rate and means of control of air (*e.g.*, valve, bypass orifice);
 - b. Please describe how the amount of waste gas, purge gas, sweep gas, supplemental gas, and assist air is measured or monitored; and

- c. Please provide a diagram that shows the locations of each:
 - i. Measurement or monitoring point for pressure, flow, net heating value, molecular weight, and constituent concentration;
 - ii. Knockout drum and water seal; and
 - iii. Injection point for purge gas, sweep gas, and supplemental gas.
- 4. For periods when waste gas is sent to the Plant Flare, please provide the following information in searchable and editable electronic format (*e.g.*, spreadsheet).
 - a. The hourly average net heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the vent gas for the period beginning three years prior to the date of receipt of this Request;
 - b. The hourly average concentration of each constituent of the vent gas for the period beginning three years prior to the date of receipt of this Request;
 - c. The hourly average mass flow rate, in lb/hr, of the vent gas for the period beginning three years prior to the date of receipt of this request; and
 - d. The hourly average rate at which assist air was added to the flare, in scf/hr, at all locations of the flare for the period beginning three years prior to the date of receipt of this Request.

If the hourly averages for any or all of the subsections above are measured, but data is not available, provide an explanation for each time period missing hourly data (*e.g.*, flare not in service, instrumentation malfunction, etc.).

If the requested data is not measured or otherwise monitored, use the best means available to calculate/estimate the hourly averages. Provide a narrative explanation and example calculations describing how you arrived at your response. Such methods of calculation/estimation include, but are not limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the flare or upstream of the flare), estimating flow from pressure measurements or from valve position data, periodic samples/analysis of gas flowing to the flare, and/or process knowledge.

If the requested data was not measured or cannot be calculated or estimated (*e.g.*, lack of equipment, equipment malfunction, and/or maintenance at a flare), provide an explanation of why no data is available and why the data cannot be calculated or estimated.

Please note that your November 15, 2017 submission did not fully respond to the previous Request. Pursuant to Section 114 of the Act, Enterprise Products Operating is obligated to fully respond to this and all other requests in this document including, for example, providing data obtained after using the best means available to calculate/estimate hourly averages.

5. For the Plant Flare, describe how the pilot flame is monitored and how the monitoring data is recorded. Provide the monitoring data for the flare pilot flame for the period beginning three years prior to the date of receipt of this Request. Please note that your records submitted on November 15, 2017 have no data that can be used to evaluate compliance with the applicable requirements.
6. For the Plant Flare, provide copies of internal or manufacturer's documents in your possession, custody, or control that may address the recommended amount of air to be added to each flare, maximum amount air rate, minimum air rate, air addition rate associated with a vent scenario, or air-to-organic gas/vent gas ratio.
7. For the Plant Flare, provide copies of any additional internal or manufacturer's documents pertaining to flare design specifications and flare operation and maintenance not already submitted following the inspection. These include but are not limited to the following: flare manufacturer design information and diagrams, flare engineering studies, flare operational and monitoring recommendations, and other flare performance testing.
8. State specifically which federal and/or state regulations apply to each flare, and provide any and all documents that include determinations, engineering assessments, and/or associated explanations made regarding CAA applicability to the Plant Flare.

Leak Detection and Repair (LDAR):

9. Provide in native electronic format a copy of the backup file generated by the facility's fugitive emissions monitoring records database. The file should contain data beginning three years prior to the date of the date of this Request. Please include in your response the name and version of the fugitive monitoring records database program currently being used by the facility. "Native" shall be construed to mean in original, intact form, without sorting, editing, or culling.
10. If the fugitive emissions monitoring is conducted by a contractor, please provide the name of each contractor used in the past three years.
11. For each process unit, provide in an electronic format, a data table with the following information for all components included in any LDAR program, including any programs performed under requirements of the Resource Conservation and Recovery Act (RCRA) at the facility:

- a. Unit name;
 - b. Type of component (*e.g.*, valve, connector, pump, etc.);
 - c. Class of service (*e.g.*, gas/vapor, light liquid, heavy liquid, etc.);
 - d. Number of each type of component;
 - e. Regulatory applicability (including any permit specific requirements);
 - f. Current monitoring method for each component (*e.g.*, Method 21, AVO, seal check, etc.);
 - g. Current leak definition for each component type;
 - h. Current monitoring frequency for each component type; and
 - i. Any additional information regarding requirements or voluntary programs (*e.g.*, state requirements, SIP requirements, permit specific requirements).
12. Please provide copies of calibration precision tests performed since January 1, 2015.
 13. Please describe the facility's management of change process within the data management system for identifying and handling components that are out of service. Please describe in what data table and in what way the out of service components are identified.

Heat Exchangers/Mechanical Integrity:

14. Provide any water quality analysis done on the cooling water for the period beginning two years prior to the date of this Request. If there have been any chemical additions or blowdowns to address, correct, or adjust the water quality, provide a monthly and detailed description of these activities.
15. Provide the most recent process hazard analysis (PHA) performed for the heat exchangers covered by the Risk Management Plan (RMP). Include which methodology was used to determine and evaluate the hazards of the process being analyzed, the scheduled date for the next PHA, and its findings and recommendations. Submit records to document that the findings were addressed.
16. Provide a copy of the annual certification of the written operating procedures for the heat exchangers covered by the RMP for the past three years.
17. Provide a list of trained employees involved in operating the covered heat exchanger system. For each employee, provide the dates of initial training and their last two refresher trainings. Provide records to document the training.

18. Provide records to demonstrate employees involved with maintaining the on-going integrity of the heat exchanger are trained in an overview of the process and its hazards and in procedures applicable to the employee's job tasks.
19. Provide the written procedures for the covered heat exchangers to maintain on-going integrity of the equipment.
20. Provide a list of trained employees involved in maintaining the on-going integrity of the covered heat exchangers. Provide records to document the training.
21. Provide a summary of inspections and tests of the covered heat exchangers. Be sure to include the following information:
 - a. Equipment identification number;
 - b. Standard used to determine the type of inspection and the interval between inspections;
 - c. Type of inspection (*e.g.*, thickness, external, corrosion under insulation, etc.);
 - d. Method (*e.g.*, visual, ultrasonic testing (UT), etc.);
 - e. Availability for inspection (*e.g.*, online, only during turnaround, etc.);
 - f. All dates of inspection;
 - g. Next inspection due date; and
 - h. Inspection interval (*e.g.*, 5 years, 10 years, etc.).
22. Provide copies of all inspection records of the heat exchangers referenced in Question 21. Include any corrosion rate calculations and remaining life calculations.
23. Provide a list of the covered heat exchangers with overdue mechanical integrity inspections.
24. Provide a summary of all overdue mechanical integrity inspections for each covered RMP process at the facility to include the following information:
 - a. Equipment type (*e.g.*, pressure vessel, piping systems, alarms, pumps, etc.);
 - b. Equipment identification number;
 - c. Standard used to determine the type of inspection and the interval between inspections;

- d. Type of inspection (*e.g.*, thickness, external, corrosion under insulation, etc.);
 - e. Method (*e.g.*, visual, ultrasonic testing (UT), etc.);
 - f. Availability for inspection (*e.g.*, online, only during turnaround, etc.);
 - g. Date of last inspection;
 - h. Next inspection due date;
 - i. Inspection interval (*e.g.*, 5 years, 10 years, etc.); and
 - j. Why the inspection(s) was not conducted within the due date set by the company.
25. Provide the two most recent RMP compliance audits, and submit a spreadsheet documenting the facility's response to the findings or recommendations of each RMP Audit Report. The spreadsheet shall include the following:
- a. The findings or recommendations;
 - b. What actions have or will be taken;
 - c. A schedule of when the actions or recommendation have been completed or will be completed; and
 - d. Documentation that the deficiencies have been corrected.

**CONFIDENTIAL BUSINESS INFORMATION (CBI)
CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS**

Assertion - You may assert a business confidentiality claim covering all or part of the information requested in response to this Request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (CAA) and 40 C.F.R. Part 2.

EPA will construe the failure to furnish a CBI claim with your response to this Request as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA. Any emissions data you provide may be made available to the public. Information subject to a confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation - All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and you intend to continue to do so; the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business’s competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter (separate from this Request) asking you to substantiate your CBI claim. If you receive such a letter, you must provide EPA with a response within the time frame set forth in the letter. Failure to submit a response within that time would be regarded as a waiver of your claim, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider CBI. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a CBI claim may be disclosed without further notice to you. If you receive such a letter, for each item or class of information that you identify as being subject, you must answer the questions below, giving as much detail as possible, in accordance with 40 C.F.R. § 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of an event will eliminate the need for confidentiality, please specify the event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to Question 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by agreement not to disclose it? If so, why should the information be considered CBI?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data is not entitled to confidential treatment under 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C). "Emission data" means, with reference to any source of emission of any substance into the air: (A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by source), or any combination of the foregoing; (B) Information necessary to determine the identity, amount, frequency, concentration, or

other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of source operation); and (C) A general description of location and nature of source to extent necessary to identify and distinguish from other sources (including, as necessary for such purposes, a description of the device, installation, or operation constituting the source).

If you receive a substantiation request letter from EPA, you bear the burden of substantiating your CBI claim. Conclusory allegations will be given little or no weight in the determination. If you fail to make a CBI claim with the response to this Request, the information may be released without further notice to you. Failure to give a timely response to a separate substantiation request letter is regarded as a waiver of any CBI claim, and EPA may release the information.

ENCLOSURE B

STATEMENT OF CERTIFICATION

Baton Rouge Fractionator and Propylene Concentrator Unit

I certify that I am authorized to respond to this Information Request on behalf of Enterprise Products Operating. I certify under penalty of perjury that the foregoing is true, accurate, and complete.

(Signature)

(Name)

(Title)

Executed on _____



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6**

**1445 Ross Avenue
Dallas, Texas 75202-2733**

4 AUG 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7015 1520 0003 3989 8115

Rick Crabtree
Vice President/General Manager
Formosa Point Comfort Plant
Formosa Plastics Corporation, Texas
201 Formosa Drive
Point Comfort, Texas 77978

RE: Clean Air Act Section 114 Information Request
Formosa Plastics Corporation

Dear Mr. Crabtree:

Enclosed is an Information Request Letter ("Request") issued to Formosa Plastics, 201 Formosa Drive, Point Comfort, Texas. This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act ("CAA"). Pursuant to this authority, the United States Environmental Protection Agency ("EPA"), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

Improperly operated flares have the potential to affect public health by increasing emissions of toxic air pollutants and volatile organic compounds, which may pose a health risk. Due to widespread noncompliance with regulations governing flare operations industry-wide, and information specific to your facility, EPA is issuing this Request.

Please provide the information requested within forty-five (45) days of receipt of this letter. If you have any technical questions, please direct them to James Haynes at (214) 665-8546. If you have any legal questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Justin Lannen of the Office of Regional Counsel at (214) 665-8130. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl T. Seager", is written over a horizontal line.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Michael De La Cruz, Air Enforcement Section, michael.delacruz@tceq.texas.gov

ENCLOSURE A

INFORMATION REQUEST

The U.S. Environmental Protection Agency ("EPA") Region 6 is issuing this request for information to Formosa Plastics Corporation pursuant to Section 114(a) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, Formosa Plastics Corporation is required to provide a response to this Request regarding Formosa Plastics Corporation's Formosa Point Comfort Plant located in Point Comfort, Texas (the "Facility").

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Formosa Plastics Corporation. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Formosa Plastics Corporation to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to one of the requests below was previously provided to EPA in response to an inspection or prior Section 114 Information Request, EPA does not require that such information be submitted again. In lieu of resubmitting such information, for each such request below, please indicate the date that such information was provided to EPA, to whom it was provided, and identify specifically where in the response the information can be found (response number, bates stamp number). However, to the

extent that this Section 114 Information Request requires submission of information that post-dates the information provided in response to the prior Section 114 Information Request, EPA requires that additional information be provided or updated. If the Texas Commission on Environmental Quality has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this request should be sent to the following:

James Haynes
Air Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Formosa Plastics Corporation qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at:

<http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockkey=P100BYAV.PDF>.

Please be aware that SBREFA does not eliminate Formosa Plastics Corporation's responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact James Haynes at (214) 665-8546.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, please notify EPA of this fact as soon as possible and provide EPA with a corrected response.

2. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
3. Please provide a separate response to each question and subpart of a question set forth in this Request and precede each answer with the number of the question to which it corresponds.
4. If available, please provide copies of documents in searchable electronic format (*e.g.*, pdf) rather than hard copies. If hard copies of documents are provided, please submit all information for each question in a logically sequenced, bound format.
5. Data should be provided in searchable and editable electronic format (*e.g.*, spreadsheet).
6. When a response is provided in the form of a number, please specify the units of measure.
7. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.
8. Please indicate the assigned facility-wide federal air program (*e.g.*, AFS) and state (*e.g.*, Agency Interest, Regulated Entity) identification numbers for the subject facility.
9. For each media device (*e.g.*, compact disc, flash drive) containing electronic documents, please provide a table of contents so that each document can be accurately identified in relation to your response to a specific question. In addition, each media device should be labeled (*e.g.*, company name, Disc 1 of 4 for information request response, date of response).
10. Please identify documents consulted, examined, or referred to in the preparation of the response or that contains information responsive to a specific question, and provide a true and correct copy of each such document if not already provided in response to another specific question. Please indicate the number of the question to which the document corresponds.
11. If the Facility has no responsive information or documents for a particular question, please submit a statement certifying this, along with a detailed

explanation. If a document is responsive to more than one question, please indicate, and only one copy of the document need be provided.

12. The enclosed Statement of Certifications (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to the Request.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The term "Formosa Plastics Corporation" includes any officer, director, agent, or employee of Formosa Plastics Corporation, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.
3. The terms "you" or "yours", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants, and all other persons acting on its behalf.
4. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 *et seq.*, the implementing regulations, or 40 C.F.R. Part 68.
5. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
6. The term "flare" means a combustion device lacking an enclosed combustion chamber that uses an uncontrolled volume of ambient air to burn gases. A flare may be partially enclosed (such as an enclosed flare) or equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a system to limit the volume of combustion air.
7. The term "vent gas" means all gas found just prior to the flare tip. Vent gas includes all waste gas, purge gas, sweep gas, and supplemental gases such as natural gas and hydrogen, but does not include pilot gas, assist steam, or assist air.

8. The term “waste gas” means the mixture of all gases from facility operations that is directed to a flare for the purpose of disposing of the gas. Waste gas does not include gas introduced to a flare exclusively to make it operate safely and as intended; therefore, waste gas does not include pilot gas, total assist steam, assist air, or the minimum amount of sweep gas and purge gas that is necessary to perform the functions of sweep gas and purge gas. Waste gas also does not include gas introduced to a flare to comply with regulatory requirements; therefore, it does not include supplemental gas.
9. The term “purge gas” means gas introduced between a flare header’s water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip. For a flare with no water seal, the function of flare purge gas is performed by flare sweep gas and, therefore, by definition, such a flare has no flare purge gas.
10. The term “sweep gas” means, for a flare with a flare gas recovery system, the minimum amount of gas necessary to maintain a constant flow of gas through the flare header in order to prevent oxygen buildup in the flare header; flare sweep gas in these flares is introduced prior to and recovered by the flare gas recovery system. For a flare without a flare gas recovery system, flare sweep gas means the minimum amount of gas necessary to maintain a constant flow of gas through the flare header and out the flare tip in order to prevent oxygen buildup in the flare header and to prevent oxygen infiltration (backflow) into the flare tip.
11. The term “supplemental gas” means all gas introduced to the flare in order to improve the combustible characteristics of combustion zone gas.
12. The term “assist steam” means all steam that is intentionally introduced prior to or at a flare tip through nozzles or other hardware conveyance for the purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist steam includes, but is not limited to, center steam, lower steam, and upper steam.
13. The term “assist air” means all air that intentionally is introduced prior to or at a flare tip through nozzles or other hardware conveyance for purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist air does not include the surrounding ambient air.
14. The term “pressure relief device” means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.

III. QUESTIONS

Within 45 days, Formosa Plastics Corporation shall submit the following information about its Formosa Point Comfort Plant facility located in Point Comfort, Texas.

1. Please provide the following information for Emission Point Numbers 1018, 8F-D03, 8F-D04, 8F-D05, 8F-D06, 1067, 1051, 1087, and 8003B (collectively, the "Facility Flares") at the Facility:
 - a. Date of installation;
 - b. Manufacturer and model number;
 - c. Purpose (*e.g.*, emergency only, routine, intermittent process waste gas);
 - d. General design type (*e.g.*, ground or elevated, multi-tip or single tip, assisted or non-assisted; if assisted, indicate whether flare is steam, air, or pressure assisted);
 - e. Minimum assist steam (in lb/hr) or assist air (in scf/hr) rate at all locations on each flare, and means of control of steam or air (*e.g.*, valve, bypass orifice);
 - f. Please describe how the amount of waste gas, purge gas, sweep gas, supplemental gas, assist steam, and assist air is measured or monitored; and
 - g. Please provide a diagram that shows the locations of each:
 - i. Measurement or monitoring point for pressure, flow, net heating value, molecular weight, and constituent concentration;
 - ii. Injection point for purge gas, sweep gas, and supplemental gas.
2. For periods when waste gas is sent to the Facility Flares, please provide the following information for each flare in searchable and editable electronic format (*e.g.*, spreadsheet):
 - a. The hourly average net heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - b. The hourly average concentration of each constituent of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - c. The hourly average mass flow rate, in lb/hr, of the vent gas for the period beginning 3 years prior to the date of receipt of this request.

- d. The hourly average rate at which assist steam and/or assist air was added to the flare, in lb/hr for steam, or scf/hr for air, at all locations on each flare (i.e., the sum of seal, upper, lower, winterizing, etc.) for the period beginning 3 years prior to the date of receipt of this request.

If the hourly averages for any or all of the subsections above are measured, but data is not available, provide an explanation for each time period missing hourly data (e.g., flare not in service, instrumentation malfunction, etc.).

If the requested data is not measured or otherwise monitored, use the best means available to calculate/estimate the hourly averages. Provide a narrative explanation and example calculations describing how you arrived at your response. Such methods of calculation/estimation include, but are not limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the flare or upstream of the flare), estimating flow from pressure measurements or from valve position data, periodic samples/analysis of gas flowing to the flare, and/or process knowledge.

If the requested data was not measured or cannot be calculated or estimated (e.g., lack of equipment, equipment malfunction, and/or maintenance at a flare), provide an explanation of why no data is available and why the data cannot be calculated or estimated.

3. For each Facility Flare, provide the hourly average Steam-to-Vent Gas Ratio (lb Steam/lb Vent Gas) for the period beginning 3 years prior to the date of receipt of this request. If the rate at which steam added is not measured, use the best means available to estimate it. Provide a narrative explanation, including considerations for seasonal variations and minimum flow, with example calculations describing how you arrived at your response. All steam (including minimum or bypass steam) should be included in ratio calculation.
4. For each Facility Flare, describe how the pilot flame is monitored and how the monitoring data is recorded. Provide the monitoring data for the flare pilot flame for the period beginning 3 years prior to the date of receipt of this request.
5. For each Facility Flare, provide copies of documents in your possession, custody, or control pertaining to operating procedures, monitoring procedures, and flare performance testing.
6. For each Facility Flare, provide copies of current permits issued under federal or state regulations where the flare is listed or flare operation is authorized.
7. For each Facility Flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device

used to prevent pressures from exceeding the maximum allowable working pressure of the process equipment.

**CONFIDENTIAL BUSINESS INFORMATION (CBI)
CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS**

Assertion - You may assert a business confidentiality claim covering all or part of the information requested in response to this Request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (CAA) and 40 C.F.R. Part 2.

EPA will construe the failure to furnish a CBI claim with your response to this Request as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA. Any emissions data you provide may be made available to the public. Information subject to a confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation - All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and you intend to continue to do so; the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter (separate from this Request) asking you to substantiate your CBI claim. If you receive such a letter, you must provide EPA with a response within the time frame set forth in the letter. Failure to submit a response within that time would be regarded as a waiver of your claim, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider CBI. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a CBI claim may be disclosed without further notice to you. If you receive such a letter, for each item or class of information that you identify as being subject, you must answer the questions below, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of an event will eliminate the need for confidentiality, please specify the event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by agreement not to disclose it? If so, why should the information be considered CBI?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note emission data is not entitled to confidential treatment under 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C). "Emission data" means, with reference to any source of emission of any substance into the air: (A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by source), or any combination of the foregoing; (B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of source

operation); and (C) A general description of location and nature of source to extent necessary to identify and distinguish from other sources (including, as necessary for such purposes, a description of the device, installation, or operation constituting the source).

If you receive a substantiation request letter from EPA, you bear the burden of substantiating your CBI claim. Conclusory allegations will be given little or no weight in the determination. If you fail to make a CBI claim with the response to this Request, the information may be released without further notice to you. Failure to give a timely response to a separate substantiation request letter is regarded as a waiver of any CBI claim, and EPA may release the information.

ENCLOSURE B

STATEMENT OF CERTIFICATION

Formosa Point Comfort Plant

*I certify that I am authorized to respond to this information request on behalf of Formosa Plastics and I certify under penalty of perjury that the foregoing is true and correct.
Executed on _____, 2017.*

(Signature)

(Name)

(Title)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733**

2 1 AUG 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7458 3946

Keith Gordon
EH&S Director
Geismar Facility
Lion Copolymer Geismar LLC
36191 Highway 30
Geismar, LA 70734

RE: Clean Air Act Section 114 Information Request
Lion Copolymer Geismar LLC

Dear Mr. Gordon:

Enclosed is an Information Request Letter ("Request") issued to Lion Copolymer Geismar LLC, 36191 Highway 30 Geismar, Louisiana 70734. This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act ("CAA"). Pursuant to this authority, the United States Environmental Protection Agency ("EPA"), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

Improperly operated flares have the potential to affect public health by increasing emissions of toxic air pollutants and volatile organic compounds, which may pose a health risk. Due to widespread noncompliance with regulations governing flare operations industry-wide, and information specific to your facility, EPA is issuing this Request.

Please provide the information requested within forty-five (45) days of receipt of this letter. If you have any technical questions, please direct them to Kevin Kim at (214) 665-8554. If you have any legal questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Justin Lannen of the Office of Regional Counsel at (214) 665-8130. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'Cheryl T. Seager', with a long horizontal line extending to the right.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

Ec: Michelle McCarthy
Manager, Air Enforcement
Louisiana Department of Environmental Quality (LDEQ)

ENCLOSURE A

INFORMATION REQUEST

The U.S. Environmental Protection Agency ("EPA") Region 6 is issuing this request for information to Lion Copolymer Geismar LLC ("Lion Copolymer") pursuant to Section 114(a) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, Lion Copolymer is required to provide a response to this Request regarding the Lion Copolymer Geismar Facility located in Geismar, Louisiana (the "Facility").

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Lion Copolymer. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Lion Copolymer to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to one of the requests below was previously provided to EPA in response to an inspection or prior Section 114 Information Request, EPA does not require that such information be submitted again. In lieu of resubmitting such information, for each such request below, please indicate the date that such information was provided to EPA, to whom it was provided, and identify specifically where in the response the information can be found (response number, bates stamp number). However, to the extent that this Section 114 Information Request requires submission of information that

post-dates the information provided in response to the prior Section 114 Information Request, EPA requires that additional information be provided or updated. If the Louisiana Department of Environmental Quality (LDEQ) has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

If information responsive to this request was previously provided to EPA subsequent to a recent EPA Air Compliance Inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided.

All information responsive to this request should be sent to the following:

Kevin Kim
Air Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Lion Copolymer qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at:

<http://nepis.epa.gov/Exec/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF>.

Please be aware that SBREFA does not eliminate Lion Copolymer's responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact Kevin Kim listed above.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, please notify EPA of this fact as soon as possible and provide EPA with a corrected response.
2. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
3. Please provide a separate response to each question and subpart of a question set forth in this Request and precede each answer with the number of the question to which it corresponds.
4. If available, please provide copies of documents in searchable electronic format (*e.g.*, pdf) rather than hard copies. If hard copies of documents are provided, please submit all information for each question in a logically sequenced, bound format.
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6. When a response is provided in the form of a number, please specify the units of measure.
7. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.
8. Please indicate the assigned facility-wide federal air program (*e.g.*, AFS) and state (*e.g.*, Agency Interest, Regulated Entity) identification numbers for the subject facility.
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addition, each media device should be labeled (*e.g.*, company name, Disc 1 of 4 for information request response, date of response).

10. Please identify documents consulted, examined, or referred to in the preparation of the response or that contains information responsive to a specific question, and provide a true and correct copy of each such document if not already provided in response to another specific question. Please indicate the number of the question to which the document corresponds.
11. If the Facility has no responsive information or documents for a particular question, please submit a statement certifying this, along with a detailed explanation. If a document is responsive to more than one question, please indicate, and only one copy of the document need be provided.
12. The enclosed Statement of Certifications (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to the Request.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

The term Lion Copolymer Geismar, LLC ("Lion Copolymer") includes any officer, director, agent, or employee of Lion Copolymer, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.

The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.

The terms "you" or "yours", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants, and all other persons acting on its behalf.

All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 *et seq.*, the implementing regulations, or 40 C.F.R. Part 68.

Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

The term “flare” means a combustion device lacking an enclosed combustion chamber that uses an uncontrolled volume of ambient air to burn gases. A flare may be partially enclosed (such as an enclosed flare) or equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a system to limit the volume of combustion air.

The term “vent gas” means all gas found just prior to the flare tip. Vent gas includes all waste gas, purge gas, sweep gas, and supplemental gases such as natural gas and hydrogen, but does not include pilot gas, assist steam, or assist air.

The term “waste gas” means the mixture of all gases from facility operations that is directed to a flare for the purpose of disposing of the gas. Waste gas does not include gas introduced to a flare exclusively to make it operate safely and as intended; therefore, waste gas does not include pilot gas, total assist steam, assist air, or the minimum amount of sweep gas and purge gas that is necessary to perform the functions of sweep gas and purge gas. Waste gas also does not include gas introduced to a flare to comply with regulatory requirements; therefore, it does not include supplemental gas.

The term “purge gas” means gas introduced between a flare header’s water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip. For a flare with no water seal, the function of flare purge gas is performed by flare sweep gas and, therefore, by definition, such a flare has no flare purge gas.

The term “sweep gas” means, for a flare with a flare gas recovery system, the minimum amount of gas necessary to maintain a constant flow of gas through the flare header in order to prevent oxygen buildup in the flare header; flare sweep gas in these flares is introduced prior to and recovered by the flare gas recovery system. For a flare without a flare gas recovery system, flare sweep gas means the minimum amount of gas necessary to maintain a constant flow of gas through the flare header and out the flare tip in order to prevent oxygen buildup in the flare header and to prevent oxygen infiltration (backflow) into the flare tip.

The term “supplemental gas” means all gas introduced to the flare in order to improve the combustible characteristics of combustion zone gas.

The term “assist steam” means all steam that is intentionally introduced prior to or at a flare tip through nozzles or other hardware conveyance for the purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist steam includes, but is not limited to, center steam, lower steam, and upper steam.

The term “assist air” means all air that intentionally is introduced prior to or at a flare tip through nozzles or other hardware conveyance for purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist air does not include the surrounding ambient air.

The term “pressure relief device” means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.

III. QUESTIONS

Within 45 days, Lion Copolymer shall submit the following information about its Geismar facility located in Geismar, Louisiana.

1. Please provide the following information for each flare (Ethylene Flare with an equipment ID No. 303M1239) at the Facility:
 - a. Date of installation;
 - b. Manufacturer and model number;
 - c. Purpose (*e.g.*, emergency only, routine, intermittent process waste gas);
 - d. General design type (*e.g.*, ground or elevated, multi-tip or single tip, assisted or non-assisted; if assisted, indicate whether flare is steam, air, or pressure assisted);
 - e. Minimum assist steam (in lb/hr) or assist air (in scf/hr) rate at all locations on each flare, and means of control of steam or air (*e.g.*, valve, bypass orifice);
 - f. Please describe how the amount of waste gas, purge gas, sweep gas, supplemental gas, assist steam, and assist air is measured or monitored; and
 - g. Please provide a diagram that shows the locations of each:
 - i. Measurement or monitoring point for pressure, flow, net heating value, molecular weight, and constituent concentration;
 - ii. Injection point for purge gas, sweep gas, and supplemental gas.
2. For periods when waste gas is sent to the Ethylene Flare (303M1239), please provide the following information for each flare in searchable and editable electronic format (*e.g.*, spreadsheet):

- a. The hourly average net heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
- b. The hourly average concentration of each constituent of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
- c. The hourly average mass flow rate, in lb/hr, of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
- d. The hourly average rate at which assist steam and/or assist air was added to the flare, in lb/hr for steam, or scf/hr for air, at all locations on each flare (i.e., the sum of seal, upper, lower, winterizing, etc.) for the period beginning 3 years prior to the date of receipt of this request.

If the hourly averages for any or all of the subsections above are measured, but data is not available, provide an explanation for each time period missing hourly data (e.g., flare not in service, instrumentation malfunction, etc.).

If the requested data is not measured or otherwise monitored, use the best means available to calculate/estimate the hourly averages. Provide a narrative explanation and example calculations describing how you arrived at your response. Such methods of calculation/estimation include, but are not limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the flare or upstream of the flare), estimating flow from pressure measurements or from valve position data, periodic samples/analysis of gas flowing to the flare, and/or process knowledge.

If the requested data was not measured or cannot be calculated or estimated (e.g., lack of equipment, equipment malfunction, and/or maintenance at a flare), provide an explanation of why no data is available and why the data cannot be calculated or estimated.

3. For the Ethylene Flare (303M1239), provide the hourly average Steam-to-Vent Gas Ratio (lb Steam/lb Vent Gas) for the period beginning 3 years prior to the date of receipt of this request. If the rate at which steam added is not measured, use the best means available to estimate it. Provide a narrative explanation, including considerations for seasonal variations and minimum flow, with example calculations describing how you arrived at your response. All steam (including minimum or bypass steam) should be included in ratio calculation.
4. For the Ethylene Flare (303M1239), describe how the pilot flame is monitored and how the monitoring data is recorded. Provide the monitoring data for the flare pilot flame for the period beginning 3 years prior to the date of receipt of this request.

5. For the Ethylene Flare (303M1239), provide copies of documents in your possession, custody, or control pertaining to operating procedures, monitoring procedures, and flare performance testing.
6. For the Ethylene Flare (303M1239), provide copies of current permits issued under federal or state regulations where the flare is listed or flare operation is authorized.
7. For the Ethylene Flare (303M1239), state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent pressures from exceeding the maximum allowable working pressure of the process equipment.

**CONFIDENTIAL BUSINESS INFORMATION (CBI)
CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS**

Assertion - You may assert a business confidentiality claim covering all or part of the information requested in response to this Request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (CAA) and 40 C.F.R. Part 2.

EPA will construe the failure to furnish a CBI claim with your response to this Request as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA. Any emissions data you provide may be made available to the public. Information subject to a confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation - All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and you intend to continue to do so; the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business’s competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter (separate from this Request) asking you to substantiate your CBI claim. If you receive such a letter, you must provide EPA with a response within the time frame set forth in the letter. Failure to submit a response within that time would be regarded as a waiver of your claim, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider CBI. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a CBI claim may be disclosed without further notice to you. If you receive such a letter, for each item or class of information that you identify as being subject, you must answer the questions below, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of an event will eliminate the need for confidentiality, please specify the event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by agreement not to disclose it? If so, why should the information be considered CBI?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note emission data is not entitled to confidential treatment under 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C). "Emission data" means, with reference to any source of emission of any substance into the air: (A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by source), or any combination of the foregoing; (B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of source

operation); and (C) A general description of location and nature of source to extent necessary to identify and distinguish from other sources (including, as necessary for such purposes, a description of the device, installation, or operation constituting the source).

If you receive a substantiation request letter from EPA, you bear the burden of substantiating your CBI claim. Conclusory allegations will be given little or no weight in the determination. If you fail to make a CBI claim with the response to this Request, the information may be released without further notice to you. Failure to give a timely response to a separate substantiation request letter is regarded as a waiver of any CBI claim, and EPA may release the information.

ENCLOSURE B

STATEMENT OF CERTIFICATION

Lion Copolymer Geismar LLC – Geismar, Louisiana

I certify that I am authorized to respond to this information request on behalf of Lion Copolymer Geismar LLC and I certify under penalty of perjury that the foregoing is true and correct. Executed on _____, 2017.

(Signature)

(Name)

(Title)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733**

10 JUL 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7009 2820 0004 2109 2974

**Frank Van Lier
Operations Support Manager, Texas Plants
Lubrizol Bayport Plant
The Lubrizol Corporation
12801 Bay Area Blvd
Pasadena, TX 77507-1324**

RE: Clean Air Act Section 114 Information Request
The Lubrizol Corporation

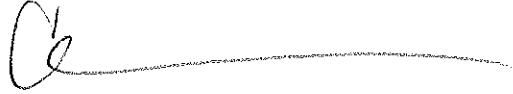
Dear Mr. Van Lier:

Enclosed is an Information Request Letter ("Request") issued to the Lubrizol Corporation, 12801 Bay Area Blvd, Pasadena TX 77507. This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act ("CAA"). Pursuant to this authority, the United States Environmental Protection Agency ("EPA"), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

Improperly operated flares have the potential to affect public health by increasing emissions of toxic air pollutants and volatile organic compounds, which may pose a health risk. Due to widespread noncompliance with regulations governing flare operations industry-wide, and information specific to your facility derived from enforcement history, EPA is issuing this Request.

Please provide the information requested within forty-five (45) days of receipt of this letter. If you have any technical questions, please direct them to Justin Chen at (214) 665-2273. If you have any legal questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Justin Lannen of the Office of Regional Counsel at (214) 665-8130. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cheryl T. Seager', with a long horizontal flourish extending to the right.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

EC:

List of cc's:

[State]

[existing HQ contact]

ENCLOSURE A

INFORMATION REQUEST

The U.S. Environmental Protection Agency ("EPA") Region 6 is issuing this request for information to the Lubrizol Corporation pursuant to Section 114(a) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, the Lubrizol Corporation (known henceforth as Lubrizol) is required to provide a response to this Request regarding the Lubrizol Bayport Texas Plant located in Pasadena, Texas (the "Facility").

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

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extent that this Section 114 Information Request requires submission of information that post-dates the information provided in response to the prior Section 114 Information Request, EPA requires that additional information be provided or updated. If the Texas Committee of Environmental Quality (TCEQ) has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this request should be sent to the following:

Justin Chen
Toxics Enforcement Section 6EN-AT
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

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1. The term Lubrizol includes any officer, director, agent, or employee of Lubrizol, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.
3. The terms "you" or "yours", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants, and all other persons acting on its behalf.
4. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 *et seq.*, the implementing regulations, or 40 C.F.R. Part 68.
5. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
6. The term "flare" means a combustion device lacking an enclosed combustion chamber that uses an uncontrolled volume of ambient air to burn gases. A flare may be partially enclosed (such as an enclosed flare) or equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a system to limit the volume of combustion air.

7. The term “vent gas” means all gas found just prior to the flare tip. Vent gas includes all waste gas, purge gas, sweep gas, and supplemental gases such as natural gas and hydrogen, but does not include pilot gas, assist steam, or assist air.
8. The term “waste gas” means the mixture of all gases from facility operations that is directed to a flare for the purpose of disposing of the gas. Waste gas does not include gas introduced to a flare exclusively to make it operate safely and as intended; therefore, waste gas does not include pilot gas, total assist steam, assist air, or the minimum amount of sweep gas and purge gas that is necessary to perform the functions of sweep gas and purge gas. Waste gas also does not include gas introduced to a flare to comply with regulatory requirements; therefore, it does not include supplemental gas.
9. The term “purge gas” means gas introduced between a flare header’s water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip. For a flare with no water seal, the function of flare purge gas is performed by flare sweep gas and, therefore, by definition, such a flare has no flare purge gas.
10. The term “sweep gas” means, for a flare with a flare gas recovery system, the minimum amount of gas necessary to maintain a constant flow of gas through the flare header in order to prevent oxygen buildup in the flare header; flare sweep gas in these flares is introduced prior to and recovered by the flare gas recovery system. For a flare without a flare gas recovery system, flare sweep gas means the minimum amount of gas necessary to maintain a constant flow of gas through the flare header and out the flare tip in order to prevent oxygen buildup in the flare header and to prevent oxygen infiltration (backflow) into the flare tip.
11. The term “supplemental gas” means all gas introduced to the flare in order to improve the combustible characteristics of combustion zone gas.
12. The term “assist steam” means all steam that is intentionally introduced prior to or at a flare tip through nozzles or other hardware conveyance for the purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist steam includes, but is not limited to, center steam, lower steam, and upper steam.
13. The term “assist air” means all air that intentionally is introduced prior to or at a flare tip through nozzles or other hardware conveyance for purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist air does not include the surrounding ambient air.
14. The term “pressure relief device” means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.

III. QUESTIONS

Within 45 days, the Lubrizol Corporation shall submit the following information about its Bayport Texas facility located in Pasadena, Texas.

1. Please provide the following information for flares X-402 and X-500 (collectively, the "Facility Flares") at the Facility:
 - a. Date of installation;
 - b. Manufacturer and model number;
 - c. Purpose (*e.g.*, emergency only, routine, intermittent process waste gas);
 - d. General design type (*e.g.*, ground or elevated, multi-tip or single tip, assisted or non-assisted; if assisted, indicate whether flare is steam, air, or pressure assisted);
 - e. Minimum assist steam (in lb/hr) or assist air (in scf/hr) rate at all locations on each flare, and means of control of steam or air (*e.g.*, valve, bypass orifice);
 - f. Please describe how the amount of waste gas, purge gas, sweep gas, supplemental gas, assist steam, and assist air is measured or monitored; and
 - g. Please provide a diagram that shows the locations of each:
 - i. Measurement or monitoring point for pressure, flow, net heating value, molecular weight, and constituent concentration;
 - ii. Injection point for purge gas, sweep gas, and supplemental gas.
2. For periods when waste gas is sent to the Facility Flares, please provide the following information for each flare in searchable and editable electronic format (*e.g.*, spreadsheet):
 - a. The hourly average net heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - b. The hourly average concentration of each constituent of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - c. The hourly average mass flow rate, in lb/hr, of the vent gas for the period beginning 3 years prior to the date of receipt of this request.

- d. The hourly average rate at which assist steam and/or assist air was added to the flare, in lb/hr for steam, or scf/hr for air, at all locations on each flare (i.e., the sum of seal, upper, lower, winterizing, etc.) for the period beginning 3 years prior to the date of receipt of this request.

If the hourly averages for any or all of the subsections above are measured, but data is not available, provide an explanation for each time period missing hourly data (e.g., flare not in service, instrumentation malfunction, etc.).

If the requested data is not measured or otherwise monitored, use the best means available to calculate/estimate the hourly averages. Provide a narrative explanation and example calculations describing how you arrived at your response. Such methods of calculation/estimation include, but are not limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the flare or upstream of the flare), estimating flow from pressure measurements or from valve position data, periodic samples/analysis of gas flowing to the flare, and/or process knowledge.

If the requested data was not measured or cannot be calculated or estimated (e.g., lack of equipment, equipment malfunction, and/or maintenance at a flare), provide an explanation of why no data is available and why the data cannot be calculated or estimated.

3. For each of the Facility Flares, provide the hourly average Steam-to-Vent Gas Ratio (lb Steam/lb Vent Gas) for the period beginning 3 years prior to the date of receipt of this request. If the rate at which steam added is not measured, use the best means available to estimate it. Provide a narrative explanation, including considerations for seasonal variations and minimum flow, with example calculations describing how you arrived at your response. All steam (including minimum or bypass steam) should be included in ratio calculation.
4. For each of the Facility Flares, describe how the pilot flame is monitored and how the monitoring data is recorded. Provide the monitoring data for the flare pilot flame for the period beginning 3 years prior to the date of receipt of this request.
5. For each of the Facility Flares, provide copies of documents in your possession, custody, or control pertaining to operating procedures, monitoring procedures, and flare performance testing.
6. For each of the Facility Flares, provide copies of current permits issued under federal or state regulations where the flare is listed or flare operation is authorized.

7. For each of the Facility Flares, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent pressures from exceeding the maximum allowable working pressure of the process equipment.

CONFIDENTIAL BUSINESS INFORMATION (CBI) CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS

Assertion - You may assert a business confidentiality claim covering all or part of the information requested in response to this Request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (CAA) and 40 C.F.R. Part 2.

EPA will construe the failure to furnish a CBI claim with your response to this Request as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA. Any emissions data you provide may be made available to the public. Information subject to a confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation - All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and you intend to continue to do so; the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter (separate from this Request) asking you to substantiate your CBI claim. If you receive such a letter, you must provide EPA with a response within the time frame set forth in the letter. Failure to submit a response within that time would be regarded as a waiver of your claim, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider CBI. You must be specific

by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a CBI claim may be disclosed without further notice to you. If you receive such a letter, for each item or class of information that you identify as being subject, you must answer the questions below, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of an event will eliminate the need for confidentiality, please specify the event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by agreement not to disclose it? If so, why should the information be considered CBI?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note emission data is not entitled to confidential treatment under 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C). "Emission data" means, with reference to any source of emission of any substance into the air: (A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related

to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by source), or any combination of the foregoing;
(B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of source operation); and (C) A general description of location and nature of source to extent necessary to identify and distinguish from other sources (including, as necessary for such purposes, a description of the device, installation, or operation constituting the source).

If you receive a substantiation request letter from EPA, you bear the burden of substantiating your CBI claim. Conclusory allegations will be given little or no weight in the determination. If you fail to make a CBI claim with the response to this Request, the information may be released without further notice to you. Failure to give a timely response to a separate substantiation request letter is regarded as a waiver of any CBI claim, and EPA may release the information.

ENCLOSURE B

STATEMENT OF CERTIFICATION

The Lubrizol Corporation – Pasadena, Texas

*I certify that I am authorized to respond to this information request on behalf of the
Lubrizol Corporation and I certify under penalty of perjury that the foregoing is true and
correct. Executed on _____, 2017.*

(Signature)

(Name)

(Title)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

**1445 Ross Avenue
Dallas, Texas 75202-2733**

20 JUL 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7457 8119

Mr. Walter Pinto
Site Manager
Lyondell Chemical Bayport Choate Plant
Lyondell Chemical Company
10801 Choate Road
Pasadena, Texas 77507

RE: Clean Air Act Section 114 Information Request
Lyondell Chemical Company

Dear Mr. Pinto:

Enclosed is an Information Request Letter ("Request") issued to Lyondell Chemical, 10801 Choate, Road, Pasadena, Texas. This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act ("CAA"). Pursuant to this authority, the United States Environmental Protection Agency ("EPA"), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

Improperly operated flares have the potential to affect public health by increasing emissions of toxic air pollutants and volatile organic compounds, which may pose a health risk. Due to widespread noncompliance with regulations governing flare operations industry-wide, and information specific to your facility, EPA is issuing this Request.

Please provide the information requested within forty-five (45) days of receipt of this letter. If you have any technical questions, please direct them to James Haynes at (214) 665-8546. If you have any legal questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Justin Lannen of the Office of Regional Counsel at (214) 665-8130. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl T. Seager", is written over a horizontal line.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Michael De La Cruz, Air Enforcement Section, michael.delacruz@tceq.texas.gov

ENCLOSURE A**INFORMATION REQUEST**

The U.S. Environmental Protection Agency ("EPA") Region 6 is issuing this request for information to Lyondell Chemical Company pursuant to Section 114(a) of the Clean Air Act ("CAA" or the "Act"), 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, Lyondell Chemical Company is required to provide a response to this Request regarding Lyondell Chemical Company's Lyondell Chemical Bayport Choate Plant located in Pasadena, Texas (the "Facility").

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Lyondell Chemical Company. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Lyondell Chemical Company to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to one of the requests below was previously provided to EPA in response to an inspection or prior Section 114 Information Request, EPA does not require that such information be submitted again. In lieu of resubmitting such information, for each such request below, please indicate the date that such information was provided to EPA, to whom it was provided, and identify specifically where in the response the information can be found (response number, bates stamp number). However, to the

extent that this Section 114 Information Request requires submission of information that post-dates the information provided in response to the prior Section 114 Information Request, EPA requires that additional information be provided or updated. If the Texas Commission on Environmental Quality has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this request should be sent to the following:

James Haynes
Air Toxics Enforcement Section (6EN-AT)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at: http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Lyondell Chemical Company qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at: <http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockkey=P100BYAV.PDF>. Please be aware that SBREFA does not eliminate Lyondell Chemical Company's responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact James Haynes at (214) 665-8546.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, please notify EPA of this fact as soon as possible and provide EPA with a corrected response.

2. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
3. Please provide a separate response to each question and subpart of a question set forth in this Request and precede each answer with the number of the question to which it corresponds.
4. If available, please provide copies of documents in searchable electronic format (*e.g.*, pdf) rather than hard copies. If hard copies of documents are provided, please submit all information for each question in a logically sequenced, bound format.
5. Data should be provided in searchable and editable electronic format (*e.g.*, spreadsheet).
6. When a response is provided in the form of a number, please specify the units of measure.
7. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.
8. Please indicate the assigned facility-wide federal air program (*e.g.*, AFS) and state (*e.g.*, Agency Interest, Regulated Entity) identification numbers for the subject facility.
9. For each media device (*e.g.*, compact disc, flash drive) containing electronic documents, please provide a table of contents so that each document can be accurately identified in relation to your response to a specific question. In addition, each media device should be labeled (*e.g.*, company name, Disc 1 of 4 for information request response, date of response).
10. Please identify documents consulted, examined, or referred to in the preparation of the response or that contains information responsive to a specific question, and provide a true and correct copy of each such document if not already provided in response to another specific question. Please indicate the number of the question to which the document corresponds.
11. If the Facility has no responsive information or documents for a particular question, please submit a statement certifying this, along with a detailed

explanation. If a document is responsive to more than one question, please indicate, and only one copy of the document need be provided.

12. The enclosed Statement of Certifications (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to the Request.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The term "Lyondell Chemical Company" includes any officer, director, agent, or employee of Lyondell Chemical Company, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
2. The terms "person" or "persons" shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.
3. The terms "you" or "yours", as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants, and all other persons acting on its behalf.
4. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 *et seq.*, the implementing regulations, or 40 C.F.R. Part 68.
5. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
6. The term "flare" means a combustion device lacking an enclosed combustion chamber that uses an uncontrolled volume of ambient air to burn gases. A flare may be partially enclosed (such as an enclosed flare) or equipped with a radiant heat shield (with or without a refractory lining), but is not equipped with a system to limit the volume of combustion air.
7. The term "vent gas" means all gas found just prior to the flare tip. Vent gas includes all waste gas, purge gas, sweep gas, and supplemental gases such as natural gas and hydrogen, but does not include pilot gas, assist steam, or assist air.

8. The term “waste gas” means the mixture of all gases from facility operations that is directed to a flare for the purpose of disposing of the gas. Waste gas does not include gas introduced to a flare exclusively to make it operate safely and as intended; therefore, waste gas does not include pilot gas, total assist steam, assist air, or the minimum amount of sweep gas and purge gas that is necessary to perform the functions of sweep gas and purge gas. Waste gas also does not include gas introduced to a flare to comply with regulatory requirements; therefore, it does not include supplemental gas.
9. The term “purge gas” means gas introduced between a flare header’s water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip. For a flare with no water seal, the function of flare purge gas is performed by flare sweep gas and, therefore, by definition, such a flare has no flare purge gas.
10. The term “sweep gas” means, for a flare with a flare gas recovery system, the minimum amount of gas necessary to maintain a constant flow of gas through the flare header in order to prevent oxygen buildup in the flare header; flare sweep gas in these flares is introduced prior to and recovered by the flare gas recovery system. For a flare without a flare gas recovery system, flare sweep gas means the minimum amount of gas necessary to maintain a constant flow of gas through the flare header and out the flare tip in order to prevent oxygen buildup in the flare header and to prevent oxygen infiltration (backflow) into the flare tip.
11. The term “supplemental gas” means all gas introduced to the flare in order to improve the combustible characteristics of combustion zone gas.
12. The term “assist steam” means all steam that is intentionally introduced prior to or at a flare tip through nozzles or other hardware conveyance for the purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist steam includes, but is not limited to, center steam, lower steam, and upper steam.
13. The term “assist air” means all air that intentionally is introduced prior to or at a flare tip through nozzles or other hardware conveyance for purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist air does not include the surrounding ambient air.
14. The term “pressure relief device” means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.

III. QUESTIONS

Within 45 days, Lyondell Chemical Company shall submit the following information about its Lyondell Chemical Bayport Choate Plant facility located in Pasadena, Texas.

1. Please provide the following information for Emission Point Numbers B1501A, B1501B, B1501C, and B1550 (collectively, the "Facility Flares") at the Facility:
 - a. Date of installation;
 - b. Manufacturer and model number;
 - c. Purpose (*e.g.*, emergency only, routine, intermittent process waste gas);
 - d. General design type (*e.g.*, ground or elevated, multi-tip or single tip, assisted or non-assisted; if assisted, indicate whether flare is steam, air, or pressure assisted);
 - e. Minimum assist steam (in lb/hr) or assist air (in scf/hr) rate at all locations on each flare, and means of control of steam or air (*e.g.*, valve, bypass orifice);
 - f. Please describe how the amount of waste gas, purge gas, sweep gas, supplemental gas, assist steam, and assist air is measured or monitored; and
 - g. Please provide a diagram that shows the locations of each:
 - i. Measurement or monitoring point for pressure, flow, net heating value, molecular weight, and constituent concentration;
 - ii. Injection point for purge gas, sweep gas, and supplemental gas.
2. For periods when waste gas is sent to the Facility Flares, please provide the following information for each flare in searchable and editable electronic format (*e.g.*, spreadsheet):
 - a. The hourly average net heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - b. The hourly average concentration of each constituent of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - c. The hourly average mass flow rate, in lb/hr, of the vent gas for the period beginning 3 years prior to the date of receipt of this request.

- d. The hourly average rate at which assist steam and/or assist air was added to the flare, in lb/hr for steam, or scf/hr for air, at all locations on each flare (i.e., the sum of seal, upper, lower, winterizing, etc.) for the period beginning 3 years prior to the date of receipt of this request.

If the hourly averages for any or all of the subsections above are measured, but data is not available, provide an explanation for each time period missing hourly data (*e.g.*, flare not in service, instrumentation malfunction, etc.).

If the requested data is not measured or otherwise monitored, use the best means available to calculate/estimate the hourly averages. Provide a narrative explanation and example calculations describing how you arrived at your response. Such methods of calculation/estimation include, but are not limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the flare or upstream of the flare), estimating flow from pressure measurements or from valve position data, periodic samples/analysis of gas flowing to the flare, and/or process knowledge.

If the requested data was not measured or cannot be calculated or estimated (*e.g.*, lack of equipment, equipment malfunction, and/or maintenance at a flare), provide an explanation of why no data is available and why the data cannot be calculated or estimated.

3. For each Facility Flare, provide the hourly average Steam-to-Vent Gas Ratio (lb Steam/lb Vent Gas) for the period beginning 3 years prior to the date of receipt of this request. If the rate at which steam added is not measured, use the best means available to estimate it. Provide a narrative explanation, including considerations for seasonal variations and minimum flow, with example calculations describing how you arrived at your response. All steam (including minimum or bypass steam) should be included in ratio calculation.
4. For each Facility Flare, describe how the pilot flame is monitored and how the monitoring data is recorded. Provide the monitoring data for the flare pilot flame for the period beginning 3 years prior to the date of receipt of this request.
5. For each Facility Flare, provide copies of documents in your possession, custody, or control pertaining to operating procedures, monitoring procedures, and flare performance testing.
6. For each Facility Flare, provide copies of current permits issued under federal or state regulations where the flare is listed or flare operation is authorized.
7. For each Facility Flare, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent pressures from exceeding the maximum allowable working pressure of the process equipment.

**CONFIDENTIAL BUSINESS INFORMATION (CBI)
CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS**

Assertion - You may assert a business confidentiality claim covering all or part of the information requested in response to this Request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (CAA) and 40 C.F.R. Part 2.

EPA will construe the failure to furnish a CBI claim with your response to this Request as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA. Any emissions data you provide may be made available to the public. Information subject to a confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation - All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and you intend to continue to do so; the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter (separate from this Request) asking you to substantiate your CBI claim. If you receive such a letter, you must provide EPA with a response within the time frame set forth in the letter. Failure to submit a response within that time would be regarded as a waiver of your claim, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider CBI. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a CBI claim may be disclosed without further notice to you. If you receive such a letter, for each item or class of information that you identify as being subject, you must answer the questions below, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of an event will eliminate the need for confidentiality, please specify the event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by agreement not to disclose it? If so, why should the information be considered CBI?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note emission data is not entitled to confidential treatment under 40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C). "Emission data" means, with reference to any source of emission of any substance into the air: (A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by source), or any combination of the foregoing; (B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of source

operation); and (C) A general description of location and nature of source to extent necessary to identify and distinguish from other sources (including, as necessary for such purposes, a description of the device, installation, or operation constituting the source).

If you receive a substantiation request letter from EPA, you bear the burden of substantiating your CBI claim. Conclusory allegations will be given little or no weight in the determination. If you fail to make a CBI claim with the response to this Request, the information may be released without further notice to you. Failure to give a timely response to a separate substantiation request letter is regarded as a waiver of any CBI claim, and EPA may release the information.

ENCLOSURE B

STATEMENT OF CERTIFICATION

Lyondell Chemical Bayport Choate Plant

*I certify that I am authorized to respond to this information request on behalf of Lyondell Chemical and I certify under penalty of perjury that the foregoing is true and correct.
Executed on _____, 2017.*

(Signature)

(Name)

(Title)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202 - 2733

11 JUL 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7009 2820 0004 2109 2950

Mr. Brian Faulkner
Legal Counsel - Environmental
Shell Oil Company
P.O. Box 2463
Houston, TX 77252-2463

RE: Clean Air Act Section 114 Information Request
Shell Pipeline Company LP
Sorrento Salt Dome Facility (AI# 41417)
Sorrento, Louisiana

Dear Mr. Faulkner:

Enclosed is an Information Request (Request) issued to Shell Pipeline Company LP, Sorrento Salt Dome Facility. This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act (CAA). Pursuant to this authority, the United States Environmental Protection Agency ("EPA"), Region 6 may require facilities to submit information in order to determine compliance with related provisions of the CAA.

Improperly operated flares have the potential to affect public health by increasing emissions of toxic air pollutants and volatile organic compounds, which may pose a health risk. Due to widespread noncompliance with regulations governing flare operations, and information specific to your facility derived from the Louisiana Department of Environmental Quality's Air Emissions Inventory, EPA is issuing this Request.

Please provide the information requested within forty-five (45) days of your receipt of this letter. If you have any technical questions, please direct them to Dale Thrush at (214) 665-9799. If you have any legal questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Candace Headen of the Office of Regional Counsel at (214) 665-8133. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl T. Seager", is written over a horizontal line.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Celena Cage
Administrator, Enforcement Division
Louisiana Department of Environmental Quality (LDEQ)

ENCLOSURE A

INFORMATION REQUEST

The U.S. Environmental Protection Agency ("EPA"), Region 6 is issuing this request for information to Shell Pipeline Company LP ("Shell") pursuant to Section 114(a) of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7414(a), for the purpose of determining compliance with certain emissions requirements of the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, Shell is required to provide a response to this Request regarding Shell's Sorrento Salt Dome Site located in Sorrento, Louisiana (the "Facility").

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Shell. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001, and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Shell to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to this request was previously provided to EPA subsequent to a recent EPA Air Compliance Inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided. If the Louisiana Department of Environmental Protection has taken enforcement action in response to information responsive to this request, please provide the Notice of Violation and/or relevant enforcement documents.

All information responsive to this request should be sent to the following:

Dale Thrush (6EN)
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Please be advised that some companies may qualify as a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at:

http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Shell qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at:

<http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockey=P100BYAV.PDF>. Please be aware that SBREFA does not eliminate Shell's responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact Dale Thrush at (214) 665-9799.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, please notify EPA of this fact as soon as possible and provide EPA with a corrected response.
2. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
3. Please provide a separate response to each question and subpart of a question set forth in this Request and precede each answer with the number of the question to which it corresponds.

4. If available, please provide copies of documents in searchable electronic format (e.g., pdf) rather than hard copies. If hard copies of documents are provided, please submit all information for each question in a logically sequenced, bound format.
5. Data should be provided in searchable and editable electronic format (e.g., spreadsheet).
6. When a response is provided in the form of a number, please specify the units of measure.
7. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.
8. Please indicate the assigned facility-wide federal air program (e.g., AFS) and state (e.g., Agency Interest, Regulated Entity) identification numbers for the subject facility.
9. For each media device (e.g., compact disc, flash drive) containing electronic documents, please provide a table of contents so that each document can be accurately identified in relation to your response to a specific question. In addition, each media device should be labeled (e.g., company name, Disc 1 of 4 for information request response, date of response).
10. Please identify documents consulted, examined, or referred to in the preparation of the response or that contains information responsive to a specific question, and provide a true and correct copy of each such document if not already provided in response to another specific question. Please indicate the number of the question to which the document corresponds.
11. If the Facility has no responsive information or documents for a particular question, please submit a statement certifying this, along with a detailed explanation. If a document is responsive to more than one question, please indicate and only one copy of the document need be provided.
12. The enclosed Statement of Certifications (Enclosure B) must be filled out and signed by a responsible corporate official and submitted along with your responses to the Request.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The term Shell Pipeline Company LP (“Shell”) includes any officer, director, agent, or employee of Shell, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.
2. The terms “person” or “persons” shall have the meaning set forth in Section 302(e) of the Act, 42 U.S.C. § 7602(e), and includes an individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department or instrumentality of the United States and any officer, agent, or employee thereof.
3. The terms “you” or “yours”, as used in each of the questions set forth in the attached Section 114 letter, refers to, and shall mean, the company or corporation with which each addressee of the attached Section 114 letter is affiliated, including its subsidiaries, division, affiliates, predecessors, successors, assigns, and its former and present officers, directors, agents, employees, representatives, attorneys, consultants, accountants, and all other persons acting on its behalf.
4. All terms used in the Information request will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. § 7401 *et seq.*, the implementing regulations, or 40 C.F.R. Part 68.
5. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
6. The term “flare” means a combustion device lacking an enclosed combustion chamber that uses an uncontrolled volume of ambient air to burn gases. A flare may be partially enclosed (such as an enclosed flare) or equipped with a radiant heat shield (with or without a refractory lining) but is not equipped with a system to limit the volume of combustion air.
7. The term “vent gas” means all gas found just prior to the flare tip. Vent gas includes all waste gas, purge gas, sweep gas, and supplemental gases such as natural gas and hydrogen, but does not include pilot gas, or assist air.
8. The term “waste gas” means the mixture of all gases from facility operations that is directed to a flare for the purpose of disposing of the gas. Waste gas does not include gas introduced to a flare exclusively to make it operate safely and as intended; therefore, waste gas does not include pilot gas, assist air, or the minimum amount of sweep gas and purge gas that is necessary to perform the functions of sweep gas and purge gas. Waste gas also does not include gas introduced to a flare to comply with regulatory requirements; therefore, it does not include supplemental gas.

9. The term “purge gas” means gas introduced between a flare header’s water seal and the flare tip to prevent oxygen infiltration (backflow) into the flare tip. For a flare with no water seal, the function of flare purge gas is performed by flare sweep gas and, therefore, by definition, such a flare has no flare purge gas.
10. The term “sweep gas” means, for a flare with a flare gas recovery system, the minimum amount of gas necessary to maintain a constant flow of gas through the flare header in order to prevent oxygen buildup in the flare header; flare sweep gas in these flares is introduced prior to and recovered by the flare gas recovery system. For a flare without a flare gas recovery system, flare sweep gas means the minimum amount of gas necessary to maintain a constant flow of gas through the flare header and out the flare tip in order to prevent oxygen buildup in the flare header and to prevent oxygen infiltration (backflow) into the flare tip.
11. The term “supplemental gas” means all gas introduced to the flare in order to improve the combustible characteristics of combustion zone gas.
12. The term “assist air” means all air that intentionally is introduced prior to or at a flare tip through nozzles or other hardware conveyance for purposes including, but not limited to, protecting the design of the flare tip, promoting turbulence for mixing, or inducing air into the flame. Assist air does not include the surrounding ambient air.
13. The term “pressure relief device” means a safety device used to prevent operating pressures from exceeding the maximum allowable working pressure of the process equipment.

III. QUESTIONS

Within 45 days, Shell shall submit the following information about its Sorrento Salt Dome Facility located in Sorrento, Louisiana.

1. Please provide the following information for the Vertical Flare – Control Room Area (EQT0004), Vertical Flare – Dehydrator Area (EQT0005), and the Vertical Flare – Brine Pit Area (EQT0006) (collectively, the “Facility Flares”) at the Facility:
 - a. Date of installation;
 - b. Manufacturer and model number;
 - c. Purpose (*e.g.*, emergency only, routine, intermittent process waste gas);
 - d. General design type (*e.g.*, ground or elevated, multi-tip or single tip);
 - e. Minimum assist air (in scf/hr) rate at all locations on each flare, and means of control of air (*e.g.*, valve, bypass orifice);

- f. Please describe how the amount of waste gas, purge gas, sweep gas, supplemental gas, and assist air is measured or monitored.
 - g. Please provide a diagram that shows the locations of each:
 - i. Measurement or monitoring point for pressure, flow, net heating value, molecular weight, and constituent concentration;
 - ii. Injection point for purge gas, sweep gas, and supplemental gas.
2. For periods when waste gas is sent to a Facility Flare, please provide the following information for each of the Facility Flares in searchable and editable electronic format (*e.g.*, spreadsheet):
- a. The hourly average net heating value, in British Thermal Units per standard cubic foot (BTU/scf), of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - b. The hourly average concentration of each constituent of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - c. The hourly average mass flow rate, in lb/hr, of the vent gas for the period beginning 3 years prior to the date of receipt of this request.
 - d. The hourly average rate at which assist air was added to the flare, in scf/hr, at all locations on each flare for the period beginning 3 years prior to the date of receipt of this request.

If the hourly averages for any or all of the subsections above are measured, but data is not available, provide an explanation for each time period missing hourly data (*e.g.*, flare not in service, instrumentation malfunction, etc.).

If the requested data is not measured or otherwise monitored, use the best means available to calculate/estimate the hourly averages. Provide a narrative explanation and example calculations describing how you arrived at your response. Such methods of calculation/estimation include, but are not limited to, the use of calculations from an online, intermittent, or continuous gas chromatograph (whether at the flare or upstream of the flare), estimating flow from pressure measurements or from valve position data, periodic samples/analysis of gas flowing to the flare, and/or process knowledge.

If the requested data was not measured or cannot be calculated or estimated (*e.g.*, lack of equipment, equipment malfunction, and/or maintenance at a flare), provide an explanation of why no data is available and why the data cannot be calculated or estimated.

3. For each of the Facility Flares, describe how the pilot flame is monitored and how the monitoring data is recorded. Provide the monitoring data for the flare pilot flame for the period beginning 3 years prior to the date of receipt of this request.
4. For each of the Facility Flares, provide copies of documents in your possession, custody, or control pertaining to operating procedures, monitoring procedures, and flare performance testing.
5. For each of the Facility Flares, provide copies of current permits and associated permit applications issued under federal or state regulations where the flare is listed or flare operation is authorized.
6. For each of the Facility Flares, state whether the flare is configured to receive gases/vapors from one or more pressure relief device(s), which is a safety device used to prevent pressures from exceeding the maximum allowable working pressure of the process equipment.
7. For each of the Facility Flares, provide the annual hours of operation when waste gas is being routed to the flare for the last three years.
8. For each of the Facility Flares, provide the annual BTU analysis for the last three years.
9. For the Control Room Flare (EQT0004), explain the circumstances for any exceedances of 1,500 BTU/scf for the last three years.
10. For each well, please provide the storage capacity and the contents stored in each dome. If a third party operates from a well, provide the name of the third party and a summary of their operations at the well.
11. For each well, please provide (a) the daily throughput for the last three years and (b) the annual throughput for the last three years.
12. Provide the hours of operation for the Brine Flash Tank per year for the last three years.
13. Based upon previous correspondence, the hours of operation for the Brine Pit Area flare (EQT0006) showed zero hours of operation from January 2014 through February 2017. If the Brine Flash Tank was operational during that time period, please clarify the hours of operation.
14. Based upon previous correspondence, the hours of operation for the Dehydrator Area flare (EQT0005) showed zero hours of operation from January 2014 through February 2017. If the Dehydrator was operational during that time period, please clarify the hours of operation.
15. Provide all analytical results for samples of the liquid in the Brine Pit (ARE0001) or being sent to the Brine Pit following the Brine Flash Tank for the last three years. Please

also indicate who collected the samples, when were they collected, the sampling and analytical analysis method used, and the location of the sampling.

CONFIDENTIAL BUSINESS INFORMATION (CBI) CLAIM ASSERTION & SUBSTANTIATION REQUIREMENTS

Assertion - You may assert a business confidentiality claim covering all or part of the information requested in response to this Request, as provided in 40 C.F.R. § 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and submitted separately to facilitate identification and handling by EPA. If confidential treatment is desired up until a certain date or until the occurrence of a certain event, the notice should state this. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (CAA) and 40 C.F.R. Part 2.

EPA will construe the failure to furnish a CBI claim with your response to this Request as a waiver of that claim, and the information may be made available to the public without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the CAA. Any emissions data you provide may be made available to the public. Information subject to a confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B.

Substantiation - All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and you intend to continue to do so; the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter (separate from this Request) asking you to substantiate your CBI claim. If you receive such a letter, you must provide EPA with a response within the time frame set forth in the letter. Failure to submit a response within that time would be regarded as a waiver of your claim, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider CBI. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a CBI claim may be disclosed without further notice to you. If you receive such a letter, for each item or class of information that you identify as being subject, you must answer the questions below, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):

1. What specific portions of the information do you allege to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of an event will eliminate the need for confidentiality, please specify the event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by agreement not to disclose it? If so, why should the information be considered CBI?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note emission data is not entitled to confidential treatment under 40 C.F.R.

§§ 2.301(a)(2)(i)(A),(B) and (C). "Emission data" means, with reference to any source of emission of any substance into the air: (A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by source), or any combination of the foregoing; (B) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of source operation); and (C) A general description of location and nature

of source to extent necessary to identify and distinguish from other sources (including, as necessary for such purposes, a description of the device, installation, or operation constituting the source).

If you receive a substantiation request letter from EPA, you bear the burden of substantiating your CBI claim. Conclusory allegations will be given little or no weight in the determination. If you fail to make a CBI claim with the response to this Request, the information may be released without further notice to you. Failure to give a timely response to a separate substantiation request letter is regarded as a waiver of any CBI claim, and EPA may release the information.

ENCLOSURE B

STATEMENT OF CERTIFICATION

Shell Pipeline Company LP – Sorrento Salt Dome Facility

I certify that I am authorized to respond to this information request on behalf of Shell Pipeline Company LP and I certify under penalty of perjury that the foregoing is true and correct.
Executed on _____, 2017.

(Signature)

(Name)

(Title)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

September 14, 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7015 1520 0003 3990 6704

Robert E. Moore
Vice President & General Manager
Valero Refinery – Texas, L.P.
9701 Manchester Street
Houston, TX 77012

Dear Mr. Moore:

Enclosed is an Information Request (Request) issued to Valero Refinery-Texas, L.P. (Valero). This request is being made pursuant to the authority set forth in Section 114 of the Clean Air Act (CAA). Pursuant to this authority, the United States Environmental Protection Agency (EPA), Region 6, may require facilities to submit information in order to determine compliance with related provisions of the CAA.

The purpose of this Request is to obtain information regarding the Valero facility in Houston, Texas, in order to determine compliance with the Clean Air Act.

Please provide the information requested within seven (7) calendar days of your receipt of this letter to the person identified in Enclosure A. If you have any technical questions, please direct them to John Jones at (214) 665-7233. If you have any other questions, need to request an extension, or wish to schedule a meeting to discuss this Request, please contact Cheryl Barnett of the Office of Regional Counsel at (214) 665-8328. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "C1" followed by a long horizontal line, representing Cheryl T. Seager.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

ecc: Parker Wilson, Valero, parker.wilson@valero.com
Ramiro Garcia, TCEQ, ramiro.garcia@tceq.texas.gov

ENCLOSURE A

VALERO INFORMATION REQUEST

The Environmental Protection Agency (EPA) is issuing this request for information to Valero, regarding its Houston, Texas, facility pursuant to Section 114(a) of the Clean Air Act (CAA) 42 U.S.C. § 7414(a), for the purpose of determining compliance with the CAA. Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Enforcement Division, EPA Region 6. Therefore, Valero is required to provide a response to this Request regarding the Valero facility in Houston, Texas (the Facility).

The information requested must be submitted whether or not you regard part or all of it a trade secret or confidential business information. You may, if you desire, assert a business confidentiality claim on all or part of the information submitted. Any information subsequently determined to constitute a trade secret will be protected under 18 U.S.C. § 1905. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. You should read 40 C.F.R. Part 2 carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of a claim. Emission data is exempt from claims of confidentiality under Section 114 of the Act, and the emissions data that you provide may be made available to the public. Information subject to a business confidentiality claim is available to the public only to the extent allowed under 40 C.F.R. Part 2, Subpart B. Failure to assert a business confidentiality claim makes all submitted information available to the public without further notice.

Information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Valero. A Statement of Certification for making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). See also 18 U.S.C. §§ 1341 and 1519. Furthermore, failure to fully comply with this Request may subject Valero to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

EPA may use any information submitted in response to this request in an administrative, civil, or criminal action.

If information responsive to this request was previously provided to EPA in conjunction with the recent EPA Air Compliance Inspection, EPA does not require that such information be submitted again. In lieu of resubmitting such information, please indicate which information was already provided, the date that the information was submitted to EPA, and to whom it was provided.

All information responsive to this request should be sent to the following:

John L. Jones
Air Permitting Enforcement Section (6EN-AA)

Air Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Please be advised that some companies may qualify as a “small business” under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). To help small business owners assess their small business status, the U.S. Small Business Administration (SBA) has established a Table of Small Business Size Standards, which can be found at:

http://www.sba.gov/sites/default/files/Size_Standards_Table.pdf. If Valero qualifies as a small business, please review the SBREFA Information Sheet designed to provide information on compliance assistance to entities that may qualify as small businesses as well as to inform them of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. The SBREFA Information Sheet can be found at:

<http://nepis.epa.gov/Exe/ZyPDF.cgi/P100BYAV.PDF?Dockkey=P100BYAV.PDF>. Please be aware that SBREFA does not eliminate Valero’s responsibility to respond in a timely fashion to any complaint or information request that EPA may issue or other enforcement action that EPA may take, nor does SBREFA create any new rights or defenses under the law other than the right to comment to the SBREFA Ombudsman. If you are unable to access the links provided or need a hard copy, please contact Samuel Tates, listed above.

Notice is hereby given, pursuant to 40 CFR §§ 2.301(h) and 2.310(h), that EPA may disclose confidential information provided by Valero to EPA’s authorized representatives, including its contractors, Eastern Research Group (“ERG”). Confidential information may be disclosed to EPA’s authorized representatives for the following reasons: to assist with document handling, inventory and indexing; to assist with document review and analysis for verification of completeness; and to provide expert technical review of the contents of the response. Pursuant to 40 CFR §§ 2.301(h) and 2.310(h), Valero may submit, along with its response to this Information Request, any comments regarding EPA’s disclosure of confidential information to its authorized representatives.

This request is not subject to the Paperwork Reduction Act, 44 U.S. C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

I. GENERAL INSTRUCTIONS

1. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide

EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

2. Please identify each person answering and each person consulted in preparing to answer each Question and subpart of each Question.
3. For every Question contained herein, please identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.
4. Please provide a separate response to each question or subquestion in this Request, and precede each answer with the number of the question to which it responds.
5. Please submit all information for each question in a logically sequenced, electronic format (e.g., PDF). Data should be provided in searchable and editable electronic format (e.g., spreadsheet). This information may be provided on a USB drive or CD, and labelled sequentially, if applicable.
6. If Valero has previously submitted the requested information to EPA, it may identify the document instead of resubmitting the document
7. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.
8. Please submit confidential business information (CBI) and non-confidential information on separate media devices and identify as such. Please mark each page that is confidential business information as such. To make a CBI claim on hard copy documents, mark each page that is claimed, by cover sheet, stamp, or other suitable form of notice with language such as “trade secret,” “proprietary,” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and submitted separately to facilitate identification and handling by EPA. The assertion and substantiation requirements for CBI claims are discussed in a subsequent section of this document.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart,

interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, USB drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosure with any document, and (e) every document referred to in any other document.

The term “Valero” includes any officer, director, agent, or employee of Valero, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof, and any related partnerships or limited partnerships.

The term “you” or “yours” refers to Valero.

The term “facility” refers to the Valero facility located at 9701 Manchester Street, Houston, Texas.

The terms “identify” or “identification” means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Request.

The term “incident” refers to any releases, discharges, or emissions of any liquid, gas, or vapors from Tank 228 and Tank 3 to the atmosphere or ground, including the berm area, and any actions the facility took to contain, mitigate, or control such releases, discharges, or emissions resulting from events that began on or about August 26, 2017.

All terms used in the Request will have their ordinary meaning unless such terms are defined in the Clean Air Act, 42 U.S.C. § 7401 *et seq.* or the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, in which case such statutory or regulatory definitions apply.

The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.

Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

III. QUESTIONS

1. Please provide a detailed description and timeline of the incidents related to Tank 3 and Tank 228. Include the best known start time and duration of the incident. The timeline should address, in detail, the following for each incident:
 - a. Overall description of the incident;
 - b. For each day from August 27 through September 14, 2017, detail the activities taken to respond, including steps taken to minimize emissions or releases, with dates and times for each activity;
 - c. For each day from August 27 through September 14, 2017, provide detailed calculations of emissions and releases, including assumptions made, for releases or surrounding berm area. Provide the duration of each phase of controls (e.g. prior to applying foam, after liquids removed from tank, after roof removed);
 - d. For each day from August 27 through September 14, 2017, note if any monitoring was performed onsite or offsite. Provide a map of monitoring locations, pollutants monitored, instrument or equipment used, and corresponding concentrations. Provide records of calibration for each instrument and any corresponding meteorological data;
 - e. During removal of materials from the tank and containment, provide the following information:
 - i. Was any monitoring performed during the process? If so, who performed the monitoring? Please provide these records, including monitoring equipment used;
 - ii. Were vacuum trucks used? Did they have vapor controls? If not, were emissions generated included in the calculation of emissions for the incident?
2. Please provide the full analysis of the material in Tank 3, as provided by the supplier.
3. For Tank 3 and Tank 228, provide the following information:
 - a. Type of external floating roof (e.g. pontoon, pan);
 - b. Types of controls (e.g. mechanical shoe, double wiper);
 - c. Records of design (as built);
 - d. Records of the material stored, the true vapor pressure of materials, and the period of storage for the last 2 years;
 - e. Regulations to which each tank is subject (40 C.F.R. and TCEQ);
 - f. Copies of each permit or authorizations to operate;

- g. The standards Valero uses to maintain these tanks (e.g. API 653, NSPS Kb);
- h. For API inspections, records of internal (last two) and external (5 years, or last two if only one during the 5-year period) inspections and corresponding repair records;
- i. For 40 C.F.R. 60 Subpart K, Ka, and/or Kb inspections, the following information:
 - i. The company that performs tank inspections and seal gap measurements? (Valero employee or contractor);
 - ii. Records of these inspections, including seal gap measurements, for the last 5 years;
- j. Preventative maintenance and work orders for 5 years;
- k. Any records of emissions issues with the tanks prior to Hurricane Harvey (Tank 3 – roof or controls; Tank 228 – problems with roof drain);
- l. Operating procedures, checklists or process descriptions for the following:
 - i. Maintenance and operation of the tanks;
 - ii. Rain events/hurricane planning/preparations; and
 - iii. Monitoring during emissions events and subsequent cleanup.
- m. Measures taken in preparation for Hurricane Harvey.

Enclosure B

Clean Air Act Section 114 Information Request
Statement of Certification

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for submitting false statements and information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Printed Name: _____

Office or Title: _____

Date: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

10 APR 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7014 0150 0000 2454 8836

Bobby A. Roach
Health and Safety Director
WTG Gas Processing, L.P.
East Vealmoor Gas Plant
11703 East FM 846
Coahoma, Texas 79511

Dear Mr. Roach:

Enclosed is an Information Request (Request) issued to WTG Gas Processing, L.P. (WTG) under the authority of Section 114 of the Clean Air Act (CAA). The purpose of this Request is to obtain information necessary to determine WTG's compliance with the CAA, including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68 at your East Vealmoor Gas Plant, Coahoma, Texas facility. Please provide the information requested within thirty (30) of your receipt of this letter to the person identified in Enclosure A. If you have any questions or need to request an extension, please contact Angela Hodges, Senior Enforcement Counsel, at (214) 665-2796.

Sincerely,

A handwritten signature in blue ink, appearing to be "Cheryl T. Seager", is written over a horizontal line.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Nik A Mimari
Plunkett & Griesenbeck, Inc.
Catholic Life Building, Suite 900
1635 Northeast Loop 410
San Antonio, TX 78209

ENCLOSURE A

WTG GAS PROCESSING, L.P., INFORMATION REQUEST

The Environmental Protection Agency (EPA) is investigating the WTG Gas Processing, L.P., (WTG) compliance with the Clean Air Act (CAA), including Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and the Chemical Accident Prevention Provisions promulgated at 40 C.F.R. Part 68 at its East Vealmoor Gas Plant, Coahoma, Texas facility. Pursuant to Section 114 of the CAA, 42 U.S.C. § 7414, you are hereby required to follow the instructions and provide responses to the questions in this Information Request (Request). You are required to submit this information to EPA within thirty (30) calendar days of receipt of this Request. If you anticipate that you will be unable to fully respond to this Request within thirty (30) calendar days, you must submit a sworn affidavit or declaration by a responsible corporate official within twenty (20) calendar days of receipt of this Request specifying what information will be provided within the time specified, describing what efforts have been/are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based on such affidavit or declaration, EPA may extend the time in which responsive information must be provided to it. Furthermore, EPA specifically retains the right to obtain additional information beyond what is listed in this Request.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make representations on behalf of WTG. An affidavit making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 7413(c). Failure to fully comply with this Request may subject WTG to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

In accordance with Section 114(c) of the CAA, 42 U.S.C. § 7414(c), the records, reports, and/or information requested in this Request must be submitted whether or not you regard part or all of it as a trade secret or confidential. You may, if you desire, assert a business confidentiality for all or part of the information submitted (with the exception of emissions data) in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential material will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. If you do assert a business confidentiality claim, you must follow the procedures set forth in Section I - Instructions.

A copy of all information responsive to this Request should be sent to the following:

Samuel Tates, Chief
Chemical Accident Enforcement Section (6EN-AS)
Air Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

I. INSTRUCTIONS

1. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.
2. If information or documents not known or not available to you as of the date of submission of a response to this Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.
3. Provide a separate response to each question or subquestion in this Request, and proceed each answer with the number of the question to which it responds.
4. Please submit all information for each question in a logically sequenced, electronic format (i.e., PDF) only. This information may be provided on a USB drive or a DVD/CD.
5. If WTG has previously submitted the requested information to EPA, it may identify the document (i.e., 2015.EPA.RMP.XXXXXX – 2015.EPA.RMP.XXXXXX) instead of resubmitting the document.
6. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret", "proprietary", or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document in which you assert a claim of business confidentiality, please answer the following questions:
 - a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page (including Bate Stamp, if applicable), paragraph, and sentence when identifying the information subject to your claim.
 - b. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event.
 - c. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to Item 6.b?

- d. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
- e. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? If so, specify which.
- f. Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
- g. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
- h. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
- i. If you believe any information to be (a) trade secret(s), please so state and explain the reason for your belief. Please attach copies of those pages containing such information with brackets around the text that you claim to be (a) trade secret(s).
- j. Explain any other issue you deem relevant (including, if pertinent, reasons why you believe that the information you claim to be CBI is not emission data or effluent data).

Please note that you bear the burden of substantiating your confidentiality claim(s). Generalized or conclusory statements will be given little or no weight in EPA's determination on the confidentiality of the information you claim to be CBI.

You must furnish comments to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in Enclosure A:

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, both electronic and tangible, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of imitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any hard drive, USB drive, CD, DVD, or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such hard drive, USB drive, CD, DVD, or other type of memory and together with printouts of such hard drive, USB drive, CD, DVD, or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
2. The term "WTG Gas Processing, L.P. (WTG)" includes any officer, director, agent, or employee of WTG, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof, and any related partnerships or limited partnerships.
3. The term "you" or "yours" refers to WTG.
4. The term "facility" refers to WTG's facility located at 11703 East FM 846, Coahoma, Texas 79511.
5. The terms "identify" or "identification" means when used in reference to a natural person, to provide his or her name, present or last known address, his or her present or last known employment position or affiliation, and his or her positions during the time period covered by this Request.
6. All terms used in the Request will have their ordinary meaning unless such terms are defined in the Clean Air Act, 42 U.S.C. § 7401 *et seq.* or the Chemical Accident Prevention Provisions, 40 C.F.R. Part 68, in which case such statutory or regulatory definitions apply.

7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Request, any information which might otherwise be construed to be outside its scope.
8. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
9. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

III. QUESTIONS

1. Identify each person(s) answering each Question or subpart of each Question.
2. For each and every Question or subpart of each Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.
4. Provide a complete copy of the following documents, to include the date finalized, and any changes or amendments to such documents within the last three calendar years, with the appropriate date noted of any change or amendment.
 - A. Procedure for Personal Protective Equipment Requirements;
 - B. Procedure for all Health & Safety Requirements; and
 - C. Procedure for relighting flares.
5. In documents previously provided, the terms "process flare" and "emergency flare" seem to be used interchangeably. Please clarify your use of these terms and explain the discrepancy, and identify all the flares at the facility including their type and purpose.
6. Provide a copy of the flare operation log for calendar years 2015 and 2016.
7. Please explain how the flare pilot is monitored for each flare at the facility. If monitoring records are kept, please provide records for calendar years 2015 and 2016.
8. What are the manufacturer recommended methods for maintaining and relighting the pilot of the flares? Do the manufacturer recommendations include instructions, methods, or restrictions for relighting the flare while in operation? If so, please explain.

9. The following questions pertain to the incident occurring on November 1, 2015:
- a. Provide a copy of the work order, hot work permit or any other document authorizing the relighting of the emergency flare.
 - b. Provide a detailed description and timeline of the incident and the actions of all involved facility employees and/or contractors. Include the best known start time and duration of the incident and the timeline for the start-up, shutdown, or malfunction of the process units, equipment, and flares.
 - c. Provide a full description of the process units, equipment, and flares, and a process flow diagram for the processes involved. Include in the description any maintenance, updates, or modifications performed prior to, during, or after the incident.
 - d. In the letter dated July 15, 2016, you assert that the gases were routed to the flare with full knowledge that the flare was unlit for what may have been more than 24 hours. Please explain the circumstances that you believe necessitated these actions.
 - e. Was the release of gas into the unlit flare identified as a potential hazard in any hazard identification or hazard analysis performed by the facility before the incident?
 - f. Was weather identified as a potential issue in any hazard analysis or identification performed on the flare? If so, the please provide documentation.
 - g. What changes have you made (process, equipment, SOPs, etc.) to prevent the recurrence of a similar event to the incident?
 - h. Provide the following information for mechanical integrity/preventive maintenance inspections for the flares:
 - A. Standard (including the edition and date of standard, e.g., API 570, 3rd Ed. November 2009, API RP 580, 1st Ed. August 2002, etc.) used to determine the type of inspection and the interval between inspections;
 - B. Type of inspection (e.g., internal, external, corrosion, etc.);
 - C. Method (e.g., visual, UT, etc.);
 - D. Availability for inspection (online, only available during turnaround, etc.);
 - E. Date of last inspection;
 - F. Next inspection due date; and
 - G. Inspection interval (e.g., 5 years, 10 years, etc.).
10. Provide the following information for mechanical integrity/preventive maintenance inspections for the propane tank that was observed leaking during the inspection.
- A. Standard (including the edition and date of standard, e.g., API 570, 3rd Ed. November 2009, API RP 580, 1st Ed. August 2002, etc.) used to determine the type of inspection and the interval between inspections;
 - B. Type of inspection (e.g., internal, external, corrosion, etc.);

- C. Method (e.g., visual, UT, etc.);
- D. Availability for inspection (online, only available during turnaround, etc.);
- E. Date of last inspection;
- F. Next inspection due date; and
- G. Inspection interval (e.g., 5 years, 10 years, etc.).

Enclosure B

Clean Air Act Section 114 Information Request Statement of Certification

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for submitting false statements and information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Printed Name: _____

Office or Title: _____

Date: _____